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Volume 3

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Journal Clerk

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2021

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Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

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ONE HUNDRED FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, April 24, 2021

The Senate was called to order at 11:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

First grade students from Ilalko Elementary School, Auburn led the Senate in the Pledge of Allegiance. The students were guests of Senator Claire Wilson.

The prayer was offered by Father Otto Kulenberg (Retired), Leavenworth. Father Kulenberg was a guest of Senator Fortunato.

MOTIONS

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

On motion of Senator Liias, Senate Emergency Rule K was suspended for the rest of the day.

EDITOR'S NOTE: Senate Emergency Rule K establishes rules for the consideration of bills and amendments.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

MESSAGES FROM THE HOUSE

April 23, 2021

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5022,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5025,
SENATE BILL NO. 5040,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5071,
SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5133,
SUBSTITUTE SENATE BILL NO. 5157,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5163,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5172,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
SECOND SUBSTITUTE SENATE BILL NO. 5183,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5193,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5194,
SECOND SUBSTITUTE SENATE BILL NO. 5195,
SECOND SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5227,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5235,
SUBSTITUTE SENATE BILL NO. 5236,
SECOND SUBSTITUTE SENATE BILL NO. 5253,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
SENATE BILL NO. 5299,
SECOND SUBSTITUTE SENATE BILL NO. 5313,
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SECOND SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5370,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5377,
SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5381,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5399,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,
SUBSTITUTE SENATE BILL NO. 5423,
SENATE BILL NO. 5430,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5432,
and the same are herewith transmitted.
MELISSA PALMER, Deputy Chief Clerk

April 23, 2021

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1022,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1348,
ENGROSSED HOUSE BILL NO. 1386,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1438,
ENGROSSED HOUSE BILL NO. 1482,
and the same are herewith transmitted.
MELISSA PALMER, Deputy Chief Clerk

MOTION

At 11:10 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:03 p.m. by President Heck.

MESSAGES FROM THE HOUSE

April 23, 2021

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091. The Speaker has appointed the following members as Conferees: Representatives Fitzgibbon, Slatter, Dye and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 23, 2021

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5330. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 23, 2021

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5096. The Speaker has appointed the following members as Conferees: Representatives Frame, Sullivan, Orcutt and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Warnick moved that Nathaniel L. McMillion, Senate Gubernatorial Appointment No. 9175, be confirmed as a member of the Central Washington University Board of Trustees.

Senator Warnick spoke in favor of the motion.

APPOINTMENT OF NATHANIEL L. McMILLION

The President declared the question before the Senate to be the confirmation of Nathaniel L. McMillion, Senate Gubernatorial Appointment No. 9175, as a member of the Central Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Nathaniel L. McMillion, Senate Gubernatorial Appointment No. 9175, as a member of the Central Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Nathaniel L. McMillion, Senate Gubernatorial Appointment No. 9175, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Kristina S. Pogolian, Senate Gubernatorial Appointment No. 9182, be confirmed as a member of the University of Washington Board of Regents.

Senator Randall spoke in favor of the motion.

APPOINTMENT OF KRISTINA S. POGOSIAN

The President declared the question before the Senate to be the confirmation of Kristina S. Pogolian, Senate Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Kristina S. Pogolian, Senate Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Ericksen

Kristina S. Pogolian, Senate Gubernatorial Appointment No. 9182, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

SIGNED BY THE PRESIDENT

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

HOUSE BILL NO. 1022,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1348,
ENGROSSED HOUSE BILL NO. 1386,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1438,
and ENGROSSED HOUSE BILL NO. 1482.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Arliegh P. Cayanan, Senate Gubernatorial Appointment No. 9184, be confirmed as a member of the Washington State University Board of Regents.

Senator Randall spoke in favor of the motion.

MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

APPOINTMENT OF ARLIEGH P. CAYANAN

The President declared the question before the Senate to be the confirmation of Arliegh P. Cayanan, Senate Gubernatorial Appointment No. 9184, as a member of the Washington State University Board of Regents.

The Secretary called the roll on the confirmation of Arliegh P. Cayanan, Senate Gubernatorial Appointment No. 9184, as a member of the Washington State University Board of Regents and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Ericksen

Arliegh P. Cayanan, Senate Gubernatorial Appointment No. 9184, having received the constitutional majority was declared confirmed as a member of the Washington State University Board of Regents.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Athmar Al-ghanim, Senate Gubernatorial Appointment No. 9191, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senator Randall spoke in favor of the motion.

APPOINTMENT OF ATHMAR AL-GHANIM

The President declared the question before the Senate to be the confirmation of Athmar Al-ghanim, Senate Gubernatorial Appointment No. 9191, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of Athmar Al-ghanim, Senate Gubernatorial Appointment No. 9191, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Athmar Al-ghanim, Senate Gubernatorial Appointment No. 9191, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Alejandro Alcantar, Senate Gubernatorial Appointment No. 9192, be confirmed as a member of the Washington Student Achievement Council.

Senator Randall spoke in favor of the motion.

APPOINTMENT OF ALEJANDRO ALCANTAR

The President declared the question before the Senate to be the confirmation of Alejandro Alcantar, Senate Gubernatorial Appointment No. 9192, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of Alejandro Alcantar, Senate Gubernatorial Appointment No. 9192, as a member of the Washington Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Alejandro Alcantar, Senate Gubernatorial Appointment No. 9192, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

SIGNED BY THE PRESIDENT

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

SECOND SUBSTITUTE SENATE BILL NO. 5192,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

5237,

SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SENATE BILL NO. 5330.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Melinda L. Bratsch-Horsager, Senate Gubernatorial Appointment No. 9201, be confirmed as a member of the The Evergreen State College Board of Trustees.

Senator Randall spoke in favor of the motion.

APPOINTMENT OF MELINDA L. BRATSCH-HORSAGER

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The President declared the question before the Senate to be the confirmation of Melinda L. Bratsch-Horsager, Senate Gubernatorial Appointment No. 9201, as a member of the The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Melinda L. Bratsch-Horsager, Senate Gubernatorial Appointment No. 9201, as a member of the The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Ericksen, Fortunato, Honeyford, McCune, Padden and Schoesler

Melinda L. Bratsch-Horsager, Senate Gubernatorial Appointment No. 9201, having received the constitutional majority was declared confirmed as a member of the The Evergreen State College Board of Trustees.

MOTION

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

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Second Substitute House Bill No. 1477
April 23, 2021

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Second Substitute House Bill No. 1477, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

CRISIS CALL CENTER HUBS AND CRISIS SERVICES

NEW SECTION. Sec. 101. (1) The legislature finds that:

(a) Nearly 6,000 Washington adults and children died by suicide in the last five years, according to the federal centers for disease control and prevention, tragically reflecting a state increase of 36 percent in the last 10 years.

(b) Suicide is now the single leading cause of death for Washington young people ages 10 through 24, with total deaths 22 percent higher than for vehicle crashes.

(c) Groups with suicide rates higher than the general population include veterans, American Indians/Alaska Natives, LGBTQ youth, and people living in rural counties across the state.

(d) More than one in five Washington residents are currently living with a behavioral health disorder.

(e) The COVID-19 pandemic has increased stressors and substance use among Washington residents.

(f) An improved crisis response system will reduce reliance on emergency room services and the use of law enforcement response to behavioral health crises and will stabilize individuals in the community whenever possible.

(g) To accomplish effective crisis response and suicide prevention, Washington state must continue its integrated approach to address mental health and substance use disorder in tandem under the umbrella of behavioral health disorders, consistently with chapter 71.24 RCW and the state's approach to integrated health care. This is particularly true in the domain of suicide prevention, because of the prevalence of substance use as both a risk factor and means for suicide.

(2) The legislature intends to:

(a) Establish crisis call center hubs and expand the crisis response system in a deliberate, phased approach that includes the involvement of partners from a range of perspectives to:

(i) Save lives by improving the quality of and access to behavioral health crisis services;

(ii) Further equity in addressing mental health and substance use treatment and assure a culturally and linguistically competent response to behavioral health crises;

(iii) Recognize that, historically, crisis response placed marginalized communities, including those experiencing behavioral health crises, at disproportionate risk of poor outcomes and criminal justice involvement;

(iv) Comply with the national suicide hotline designation act of 2020 and the federal communications commission's rules adopted July 16, 2020, to assure that all Washington residents receive a consistent and effective level of 988 suicide prevention and other behavioral health crisis response and suicide prevention services no matter where they live, work, or travel in the state; and

(v) Provide higher quality support for people experiencing behavioral health crises through investment in new technology to create a crisis call center hub system to triage calls and link individuals to follow-up care.

(b) Make additional investments to enhance the crisis response system, including the expansion of crisis teams, to be known as mobile rapid response crisis teams, and deployment of a wide array of crisis stabilization services, such as 23-hour crisis stabilization units based on the living room model, crisis stabilization centers, short-term respite facilities, peer-run respite centers, and same-day walk-in behavioral health services. The overall crisis system shall contain components that operate like hospital emergency departments that accept all walk-ins and ambulance, fire, and police drop-offs. Certified peer counselors as well as peers in other roles providing support must be incorporated within the crisis system and along the continuum of crisis care.

NEW SECTION. Sec. 102. A new section is added to chapter 71.24 RCW to read as follows:

(1) Establishing the state crisis call center hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the crisis call center hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the crisis call center hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call predictions provided

by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades.

(3) The department shall adopt rules by July 1, 2023, to establish standards for designation of crisis call centers as crisis call center hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in section 103 of this act.

(4) The department shall designate crisis call center hubs by July 1, 2024. The crisis call center hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a crisis call center hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide crisis call center hub services. The department may revoke the designation of any crisis call center hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated crisis call center hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; and

(v) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under section 103 of this act in its agreements with crisis call center hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform using

technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, for use in crisis call center hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, 2023, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to crisis call center hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the crisis call center hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under section 103 of this act;

(b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and

(c) The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the

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safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(d) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the crisis call center hub;

(e) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

(f) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.

(8) The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with crisis call center hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by crisis call center hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under section 103 of this act;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; and

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care.

NEW SECTION. Sec. 103. A new section is added to chapter 71.24 RCW to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) The office of financial management shall contract with the behavioral health institute at Harborview medical center to facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee.

(3) The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state enhanced 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and crisis call center hubs; mobile rapid response crisis teams; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under section 102 of this act, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components crisis call center hub staff need to effectively coordinate crisis response services and find available beds and available primary care and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in section 102 of this act, as appropriate;

(f) A work plan to establish the capacity for the crisis call center hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of community-based mobile rapid response crisis teams based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

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(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement this act, including minimum education requirements such as whether it would be appropriate to allow crisis call center hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement this act;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement this act;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement this act; and

(f) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in

accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to crisis call center hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2024.

(12) This section expires June 30, 2024.

NEW SECTION. Sec. 104. A new section is added to chapter 71.24 RCW to read as follows:

(1) The steering committee of the crisis response improvement strategy committee established under section 103 of this act must monitor and make recommendations related to the funding of crisis response services out of the account created in section 205 of this act. The crisis response improvement strategy steering committee must analyze:

(a) The projected expenditures from the account created under section 205 of this act, taking into account call volume, utilization projections, and other operational impacts;

(b) The costs of providing statewide coverage of mobile rapid response crisis teams or other behavioral health first responder services recommended by the crisis response improvement strategy committee, based on 988 crisis hotline utilization and taking into account existing state and local funding;

(c) Potential options to reduce the tax imposed in section 202 of this act, given the expected level of costs related to infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs; and

(d) The viability of providing funding for in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee funded from the account created in section 205 of this act, given the expected revenues to the account and the level of expenditures required under (a) of this subsection.

(2) If the steering committee finds that funding in-person mobile rapid response crisis services or other behavioral health first responder services recommended by the crisis response improvement strategy committee is viable from the account given the level of expenditures necessary to support the infrastructure development and operational support of the 988 crisis hotline and crisis call center hubs, the steering committee must analyze options for the location and composition of such services given need and available resources with the requirement that funds from the account supplement, not supplant, existing behavioral health crisis funding.

(3) The work of the steering committee under this section must be facilitated by the behavioral health institute at Harborview medical center through its contract with the office of financial management under section 103 of this act with assistance provided by staff from senate committee services, the office of program research, and the office of financial management.

(4) The steering committee shall submit preliminary recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2022, and final recommendations to the governor and the appropriate policy and fiscal committees of the legislature by January 1, 2023.

(5) This section expires on July 1, 2023.

NEW SECTION. Sec. 105. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and authority shall provide an annual report regarding the usage of the 988 crisis hotline, call outcomes, and the provision of crisis services inclusive of mobile rapid response crisis teams and crisis stabilization services. The report shall be submitted to the governor and the appropriate committees of the legislature each November beginning in 2023. The report shall include information on the fund deposits and expenditures of the account created in section 205 of this act.

(2) The department and authority shall coordinate with the department of revenue, and any other agency that is appropriated funding under the account created in section 205 of this act, to develop and submit information to the federal communications commission required for the completion of fee accountability reports pursuant to the national suicide hotline designation act of 2020.

(3) The joint legislative audit and review committee shall schedule an audit to begin after the full implementation of this act, to provide transparency as to how funds from the statewide 988 behavioral health crisis response and suicide prevention line account have been expended, and to determine whether funds used to provide acute behavioral health, crisis outreach, and stabilization services are being used to supplement services identified as baseline services in the comprehensive analysis provided under section 103 of this act, or to supplant baseline services. The committee shall provide a report by November 1, 2027, which includes recommendations as to the adequacy of the funding provided to accomplish the intent of the act and any other recommendations for alteration or improvement.

NEW SECTION. Sec. 106. A new section is added to chapter 48.43 RCW to read as follows:

Health plans issued or renewed on or after January 1, 2023, must make next-day appointments available to enrollees experiencing urgent, symptomatic behavioral health conditions to receive covered behavioral health services. The appointment may be with a licensed provider other than a licensed behavioral health professional, as long as that provider is acting within their scope of practice, and may be provided through telemedicine consistent with RCW 48.43.735. Need for urgent symptomatic care is associated with the presentation of behavioral health signs or symptoms that require immediate attention, but are not emergent.

NEW SECTION. Sec. 107. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of this act, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of this act;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in

collaboration with the state enhanced 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state enhanced 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, 2024.

NEW SECTION. Sec. 108. A new section is added to chapter 71.24 RCW to read as follows:

(1) When acting in their statutory capacities pursuant to this act, the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this act may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state enhanced 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by this act, are owed to any individual person or class of persons separate and apart from the public in general.

(2) Each crisis call center hub designated by the department under any contract or agreement pursuant to this act shall be deemed to be an independent contractor, separate and apart from the department and the state.

NEW SECTION. Sec. 109. A new section is added to chapter 71.24 RCW to read as follows:

For the purpose of development and implementation of technology and platforms by the department and the authority under section 102 of this act, the department and the authority shall create a sophisticated technical and operational plan. The plan shall not conflict with, nor delay, the department meeting and satisfying existing 988 federal requirements that are already underway and must be met by July 16, 2022, nor is it intended to delay the initial planning phase of the project, or the planning and deliverables tied to any grant award received and allotted by the department or the authority prior to April 1, 2021. To the extent that funds are appropriated for this specific purpose, the department and the authority must contract for a consultant to critically analyze the development and implementation technology and platforms and operational challenges to best position the solutions for success. Prior to initiation of a new information technology development, which does not include the initial planning phase of this project or any contracting needed to complete the initial planning phase, the department and authority shall submit the technical and operational plan to the governor, office of financial management, steering committee of the crisis response improvement strategy committee created under section 103 of this act, and appropriate policy and fiscal committees of the legislature, which shall include the committees referenced in this section. The plan must be approved by the office of the chief information officer, the director of the office of financial management, and the steering committee of the crisis response improvement strategy committee, which shall consider any feedback received from the senate ways and means committee chair, the house of representatives appropriations committee chair, the senate environment, energy and technology committee chair, the senate behavioral health subcommittee chair, and the house of representatives health care and wellness committee chair, before any funds are expended for the solutions, other than those funds needed to complete the initial planning phase. A draft

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technical and operational plan must be submitted no later than January 1, 2022, and a final plan by August 31, 2022.

The plan submitted must include, but not be limited to:

- (1) Data management;
- (2) Data security;
- (3) Data flow;
- (4) Data access and permissions;
- (5) Protocols to ensure staff are following proper health information privacy procedures;
- (6) Cybersecurity requirements and how to meet these;
- (7) Service level agreements by vendor;
- (8) Maintenance and operations costs;
- (9) Identification of what existing software as a service products might be applicable, to include the:
 - (a) Vendor name;
 - (b) Vendor offerings to include product module and functionality detail and whether each represent add-ons that must be paid separately;
 - (c) Vendor pricing structure by year through implementation; and
 - (d) Vendor pricing structure by year post implementation;
- (10) Integration limitations by system;
- (11) Data analytic and performance metrics to be required by system;
- (12) Liability;
- (13) Which agency will host the electronic health record software as a service;
- (14) Regulatory agency;
- (15) The timeline by fiscal year from initiation to implementation for each solution in this act;
- (16) How to plan in a manner that ensures efficient use of state resources and maximizes federal financial participation; and
- (17) A complete comprehensive business plan analysis.

PART II

TAX

NEW SECTION. **Sec. 201.** DEFINITIONS. (1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "988 crisis hotline" has the same meaning as in RCW 71.24.025.

(b) "Crisis call center hub" has the same meaning as in RCW 71.24.025.

(2) The definitions in RCW 82.14B.020 apply to this chapter.

NEW SECTION. **Sec. 202.** TAX IMPOSED. (1)(a) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on the use of all radio access lines:

(i) By subscribers whose place of primary use is located within the state in the amount set forth in (a)(ii) of this subsection (1) per month for each radio access line. The tax must be uniform for each radio access line under this subsection (1); and

(ii) By consumers whose retail transaction occurs within the state in the amount set forth in this subsection (1)(a)(ii) per retail transaction. The amount of tax must be uniform for each retail transaction under this subsection (1) and is as follows:

(A) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each radio access line; and

(B) Beginning January 1, 2023, the tax rate is 40 cents for each radio access line.

(b) The tax imposed under this subsection (1) must be remitted to the department by radio communications service companies, including those companies that resell radio access lines, and sellers of prepaid wireless telecommunications service, on a tax return provided by the department. Tax proceeds must be deposited by the treasurer into the statewide 988 behavioral health

crisis response and suicide prevention line account created in section 205 of this act.

(c) For the purposes of this subsection (1), the retail transaction is deemed to occur at the location where the transaction is sourced under RCW 82.32.520(3)(c).

(2) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all interconnected voice over internet protocol service lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (2) must be remitted to the department by interconnected voice over internet protocol service companies on a tax return provided by the department. The amount of tax for each interconnected voice over internet protocol service line whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for an interconnected voice over internet protocol service line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for an interconnected voice over internet protocol service line.

(3) A statewide 988 behavioral health crisis response and suicide prevention line tax is imposed on all switched access lines in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of switched access lines on an account that is capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection (3) must be remitted to the department by local exchange companies on a tax return provided by the department. The amount of tax for each switched access line whose place of primary use is located in the state is as follows:

(a) Beginning October 1, 2021, through December 31, 2022, the tax rate is 24 cents for each switched access line; and

(b) Beginning January 1, 2023, the tax rate is 40 cents for each switched access line.

(4) Tax proceeds collected pursuant to this section must be deposited by the treasurer into the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

NEW SECTION. **Sec. 203.** COLLECTION OF TAX. (1) Except as provided otherwise in subsection (2) of this section:

(a) The statewide 988 behavioral health crisis response and suicide prevention line tax on radio access lines must be collected from the subscriber by the radio communications service company, including those companies that resell radio access lines, providing the radio access line to the subscriber, and the seller of prepaid wireless telecommunications services.

(b) The statewide 988 behavioral health crisis response and suicide prevention line tax on interconnected voice over internet protocol service lines must be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber.

(c) The statewide 988 behavioral health crisis response and suicide prevention line tax on switched access lines must be collected from the subscriber by the local exchange company.

(d) The amount of the tax must be stated separately on the billing statement which is sent to the subscriber.

(2)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be collected from the consumer by the seller of a prepaid wireless

telecommunications service for each retail transaction occurring in this state.

(b) The department must transfer all tax proceeds remitted by a seller under this subsection (2) to the statewide 988 behavioral health crisis response and suicide prevention line account created in section 205 of this act.

(c) The taxes required by this subsection to be collected by the seller must be separately stated in any sales invoice or instrument of sale provided to the consumer.

NEW SECTION. Sec. 204. PAYMENT AND COLLECTION. (1)(a) The statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter must be paid by the subscriber to the radio communications service company providing the radio access line, the local exchange company, or the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line.

(b) Each radio communications service company, each local exchange company, and each interconnected voice over internet protocol service company, must collect from the subscriber the full amount of the taxes payable. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by a company or seller, are deemed to be held in trust by the company or seller until paid to the department. Any radio communications service company, local exchange company, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any radio communications service company, local exchange company, or interconnected voice over internet protocol service company fails to collect the statewide 988 behavioral health crisis response and suicide prevention line tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the company or seller is personally liable to the state for the amount of the tax, unless the company or seller has taken from the buyer in good faith documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or consumer or is otherwise not liable for the statewide 988 behavioral health crisis response and suicide prevention line tax.

(3) The amount of tax, until paid by the subscriber to the radio communications service company, local exchange company, the interconnected voice over internet protocol service company, or to the department, constitutes a debt from the subscriber to the company, or from the consumer to the seller. Any company or seller that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber or consumer who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The statewide 988 behavioral health crisis response and suicide prevention line tax required by this chapter to be collected by the radio communications service company, local exchange company, or interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the radio communications service company, local exchange company, or interconnected voice over internet protocol service company, the statewide 988 behavioral health crisis response and suicide prevention line tax imposed by this chapter and the company or seller has not paid the amount of the tax to the department, the department may, in

its discretion, proceed directly against the subscriber or consumer for collection of the tax, in which case a penalty of 10 percent may be added to the amount of the tax for failure of the subscriber or consumer to pay the tax to the company or seller, regardless of when the tax is collected by the department.

NEW SECTION. Sec. 205. ACCOUNT CREATION. (1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for (a) ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; and (b) personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

NEW SECTION. Sec. 206. PREEMPTION. A city or county may not impose a tax, measured on a per line basis, on radio access lines, interconnected voice over internet protocol service lines, or switched access lines, for the purpose of ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; or providing personnel or acute behavioral health, crisis outreach, or crisis stabilization services, as defined in RCW 71.24.025, associated with directly responding to the 988 crisis hotline.

PART III APPROPRIATIONS

NEW SECTION. Sec. 301. The appropriations in this section are provided to the department of health and are subject to the following conditions and limitations:

(1) The sum of \$23,016,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to route calls to and contract for the operations of call centers and call center hubs. This includes funding for operations, training, and call center information technology and program staff.

(2) The sum of \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to contract for the development and operations of a tribal crisis line.

(3) The following sums, or so much thereof as may be necessary, are each appropriated: \$189,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and \$80,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the department to provide staff support necessary to critically analyze the planning, development, and implementation of technology solutions to create the technical and operational plan pursuant to section 109 of this act.

(4) The sum of \$420,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account. The amount in this subsection is provided solely for the department to participate in

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and provide support to the committee created in section 103 of this act.

NEW SECTION. Sec. 302. The appropriations in this section are provided to the state health care authority and are subject to the following conditions and limitations:

(1) The following sums, or as much thereof as may be necessary, are each appropriated: \$770,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and \$326,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to provide staff and contracted support necessary to critically analyze the planning, development, and implementation of technology solutions to create the technical and operational plan pursuant to section 109 of this act.

(2) The following sums, or so much thereof as may be necessary, are each appropriated: \$644,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and \$127,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to participate in and provide support to the committee created in section 103 of this act.

(3) The following sums, or as much thereof as may be necessary, are each appropriated: \$381,000 from the statewide 988 behavioral health crisis response and suicide prevention line account for the fiscal biennium ending June 30, 2023; and \$381,000 from the state general fund—federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to fulfill its duties as described in section 102(8) of this act. This includes funding for collaboration with managed care organizations, county authorities, and behavioral health administrative services organizations related to crisis services, and the development of processes and best practices for crisis services.

NEW SECTION. Sec. 303. The sum of \$200,000, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2023, from the statewide 988 behavioral health crisis response and suicide prevention line account to the office of financial management and provided solely to provide staff and contracted services support to the committee created in section 103 of this act.

PART IV

DEFINITIONS AND MISCELLANEOUS

Sec. 401. RCW 71.24.025 and 2020 c 256 s 201 are each reenacted and amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services

specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

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

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are

defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

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(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services

organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer

counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 402. RCW 71.24.025 and 2020 c 256 s 201 and 2020 c 80 s 52 are each reenacted and amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

(8) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(9) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or

certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(10) "Child" means a person under the age of eighteen years.

(11) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(12) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(13) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(14) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(15) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(16) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(17) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

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

(19) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(20) "Director" means the director of the authority.

(21) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is

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reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(22) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(23) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (24) of this section.

(24) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(25) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(26) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(27) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(28) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(29) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(30) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(31) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(32) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(33) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (11), (40), and (41) of this section.

(34) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(35) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (24) of this section but does not meet the full criteria for evidence-based.

(36) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(37) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(38) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information

regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(39) "Secretary" means the secretary of the department of health.

(40) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(41) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(42) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(43) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(44) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(45) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of section 102 of this act.

(46) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(47) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

(48) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

Sec. 403. RCW 71.24.649 and 2019 c 324 s 5 are each amended to read as follows:

The secretary shall license or certify mental health peer-run respite centers that meet state minimum standards. In consultation with the authority and the department of social and health services, the secretary must:

(1) Establish requirements for licensed and certified community behavioral health agencies to provide mental health peer-run respite center services and establish physical plant and service requirements to provide voluntary, short-term, noncrisis services that focus on recovery and wellness;

(2) Require licensed and certified agencies to partner with the local crisis system including, but not limited to, evaluation and treatment facilities and designated crisis responders;

(3) Establish staffing requirements, including rules to ensure that facilities are peer-run;

(4) Limit services to a maximum of seven days in a month;

(5) Limit services to individuals who are experiencing psychiatric distress, but do not meet legal criteria for involuntary hospitalization under chapter 71.05 RCW; and

(6) Limit services to persons at least eighteen years of age.

NEW SECTION. Sec. 404. Sections 201 through 206 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 405. Sections 201 through 205 of this act take effect October 1, 2021.

NEW SECTION. Sec. 406. Section 401 of this act expires July 1, 2022.

NEW SECTION. Sec. 407. Section 402 of this act takes effect July 1, 2022.

NEW SECTION. Sec. 408. Section 103 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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On page 1, line 4 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.649; reenacting and amending RCW 71.24.025 and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating a new section; prescribing penalties; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Dhingra and Robinson; Representatives Macri and Orwall.

MOTION

Senator Dhingra moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1477 be adopted.

Senator Dhingra spoke in favor of the motion.

Senators Wagoner and Ericksen spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1477 be adopted.

The motion by Senator Dhingra carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1477, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2021

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5478 with the following amendment(s): 5478-S.E AMH ENGR H1555.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that certain businesses in Washington have experienced significant

and unanticipated impacts during the COVID-19 pandemic. The legislature intends to preemptively minimize the disproportionate impact COVID-19 economic closures have had on these businesses.

(2) Small businesses in particular have fewer reserves and fewer resources to rely upon in periods of downturn. Those businesses owned by historically disadvantaged groups, such as women, minority populations, and immigrants, often experience disproportionately more distress and burden due to the economic impacts of the COVID-19 pandemic compared to their counterparts across the remaining business community. These businesses are absolutely critical to the success of Washington's continued high ratings, number one gross domestic product, and are part of the backbone of Washington's diverse and resilient economy.

(3) The legislature finds that ESSB 5061, passed by the legislature and signed by the governor earlier in the 2021 session, mitigated immediate impacts to employers through caps on the social tax, suspension of the solvency surcharge, and relief of certain benefit charges.

(4) The legislature now intends to address the disproportionate impacts on small and other significantly impacted businesses beyond the limited time period addressed in ESSB 5061. The legislature intends to provide this targeted relief through the one-time application of funds, in order to provide critical support for many of the businesses that are essential to Washington's recovery and ongoing economic vitality, while maintaining a healthy unemployment insurance trust fund for Washington's workers.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.16 RCW to read as follows:

(1) The unemployment insurance relief account is created in the custody of the state treasurer. Revenues to the account consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment compensation fund created in RCW 50.16.010 for forgiven benefits for COVID-19 impacted businesses pursuant to sections 3, 4, 5, 6, 7, 8, and 9 of this act. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) By July 1, 2022, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the unemployment insurance relief account that were appropriated by the legislature from the general fund during the 2021-2023 fiscal biennium, and the treasurer must transfer those moneys back to the general fund.

NEW SECTION. **Sec. 3.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 1 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 1 employers may not exceed the available benefits for category 1.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 1 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 1 employer" means a contribution paying employer:

(i) With 20 or fewer employees in the state as reported on the employer's fourth quarter report to the department for 2020;

(ii) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by three or more rate classes from rate year 2021 to rate year 2022; and

(iii) Whose North American industry classification system code for rate year 2021 is within "323," "331," "448," "451," "453," "481," "485," "487," "512," "711," "712," "713," "721," "722," "812," and "814."

(c) "Available benefits for category 1" means \$100,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 1 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 4. A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 2 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 2 employers may not exceed the available benefits for category 2.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 2 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 2 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by three or more rate classes from rate year 2021 to rate year 2022;

(ii) Whose North American industry classification system code for rate year 2021 is within "323," "331," "448," "451," "453," "481," "485," "487," "512," "711," "712," "713," "721," "722," "812," and "814"; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act.

(c) "Available benefits for category 2" means the sum total of:

(i) The difference between the available benefits for category 1, as defined in section 3 of this act, and the total forgiven benefits for approved category 1 employers, as defined in section 3 of this act; and

(ii) \$175,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 2 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 3 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 3 employers may not exceed the available benefits for category 3.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 3 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a three rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 3 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by four or more rate classes from rate year 2021 to rate year 2022;

(ii) With 20 or fewer employees in the state as reported on the employer's fourth quarter report to the department for 2020; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act or approved category 2 employer under section 4(3) of this act.

(c) "Available benefits for category 3" means the sum total of:

(i) The difference between the available benefits for category 2, as defined under section 4 of this act, and the total forgiven benefits for approved category 2 employers, as defined under section 4 of this act; and

(ii) \$75,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 3 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

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NEW SECTION. Sec. 6. A new section is added to chapter 50.29 RCW to read as follows:

(1) By December 20, 2021, the department must determine the forgiven benefits for approved category 4 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 4 employers may not exceed the available benefits for category 4.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means benefits paid to employees of an approved category 4 employer during the fiscal year ending June 30, 2021, not to exceed an amount that would reduce the employer's rate class increase to no more than a three rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 4 employer" means a contribution paying employer:

(i) Whose experience rating under RCW 50.29.025(1)(a)(ii) has increased by four or more rate classes from rate year 2021 to rate year 2022;

(ii) With at least 21 but fewer than 5,000 employees in the state as reported on the employer's fourth quarter report to the department for 2020; and

(iii) Who does not meet the definition of approved category 1 employer under section 3(3) of this act, approved category 2 employer under section 4(3) of this act, or approved category 3 employer under section 5(3) of this act.

(c) "Available benefits for category 4" means the sum total of:

(i) The difference between the available benefits for category 3, as defined under section 5 of this act, and the total forgiven benefits for approved category 3 employers, as defined under section 5 of this act; and

(ii) \$150,000,000 of the total amount of money in the unemployment insurance relief account.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 4 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 7. A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for all approved employers pursuant to sections 3 through 6 of this act, then by December 21, 2021, the department must again determine any forgiven benefits for approved category 1 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 1 employers may not exceed the available benefits for category 1.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account

to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 1 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 3 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 1 employer" has the same meaning as defined in section 3 of this act.

(c) "Available benefits for category 1" means the total amount of money remaining in the unemployment insurance relief account after benefits are forgiven according to sections 3 through 6 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 1 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 8. A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 1 employers pursuant to section 7 of this act, the department must again determine any forgiven benefits for approved category 2 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 2 employers may not exceed the available benefits for category 2.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 2 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 4 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a two rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 2 employer" has the same meaning as defined in section 4 of this act.

(c) "Available benefits for category 2" means the difference between the available benefits for category 1, as defined in section 7 of this act, and the total forgiven benefits for approved category 1 employers, as defined in section 7 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 2 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 9. A new section is added to chapter 50.29 RCW to read as follows:

(1) If moneys remain in the unemployment insurance relief account after the department determines the forgiven benefits for approved category 2 employers pursuant to section 8 of this act, the department must again determine any forgiven benefits for approved category 3 employers to be reimbursed by the unemployment insurance relief account instead of charged to the employer's experience rating account. Total forgiven benefits for all approved category 3 employers may not exceed the available benefits for category 3.

(2) The department will not charge the forgiven benefits to the employer's experience rating account. The commissioner must instead transfer from the unemployment insurance relief account to the unemployment compensation fund created in RCW 50.16.010 an amount equal to the forgiven benefits.

(3) For the purposes of this section, the following definitions apply:

(a) "Approved benefits" means any remaining benefits paid to employees of an approved category 3 employer during the fiscal year ending June 30, 2021, that were not previously forgiven under section 5 of this act, not to exceed an amount that would reduce the employer's rate class increase to no more than a three rate class increase. Approved benefits must not include benefits that were not charged to the employer's experience rating account or benefits otherwise relieved under RCW 50.29.021.

(b) "Approved category 3 employer" has the same meaning as defined in section 5 of this act.

(c) "Available benefits for category 3" means the difference between the available benefits for category 2, as defined under section 8 of this act, and the total forgiven benefits for approved category 2 employers, as defined under section 8 of this act.

(d) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(e) "Forgiveness ratio" is computed by dividing the available benefits for category 3 by the total approved benefits. The forgiveness ratio cannot be more than one.

(f) "Total approved benefits" means the sum total of all approved benefits.

(4) The department must adopt such rules as are necessary to carry out the purposes of this section.

(5) This section expires July 30, 2022.

NEW SECTION. Sec. 10. A new section is added to chapter 50.29 RCW to read as follows:

(1) By September 1st of each year, the department must determine which employers have not paid all contributions, penalties, or interest due, and have not entered into a department-approved deferred payment contract, as of that date.

(2) By September 1st of each year, for each employer meeting the criteria in subsection (1) of this section, the department must notify the employer of the availability of deferred payment contracts with the department. The department must provide technical, and culturally and linguistically relevant, assistance as needed to the employer in navigating the process for entering into a department-approved payment contract.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not

affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

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.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5478. Senators Keiser, King and Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5478.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5478 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5478, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5478, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2021

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126 with the following amendment(s): 5126-S2.E AMH ENGR H1619.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that climate change is one of the greatest challenges facing our state and the world today, an existential crisis with major negative impacts on environmental and human health. Washington is experiencing environmental and

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community impacts due to climate change through increasingly devastating wildfires, flooding, droughts, rising temperatures and sea levels, and ocean acidification. Greenhouse gas emissions already in the atmosphere will increase impacts for some period of time. Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover.

(2) In 2020, the legislature updated the state's greenhouse gas emissions limits that are to be achieved by 2030, 2040, and 2050, based on current science and emissions trends, to support local and global efforts to avoid the most significant impacts from climate change. Meeting these limits will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws, as other enacted policies are insufficient to meet the limits.

(3) The legislature further finds that while climate change is a global problem, there are communities that have historically borne the disproportionate impacts of environmental burdens and that now bear the disproportionate negative impacts of climate change. Although the state has done significant work in the past to highlight these environmental health disparities, beginning with senator Rosa Franklin's environmental equity study, and continuing through the work of the governor's interagency council on health disparities, the creation of the Washington environmental health disparities map, and recommendations of the environmental justice task force, the state can do much more to ensure that state programs address environmental equity.

(4) The legislature further finds that while enacted carbon policies can be well-intended to reduce greenhouse gas emissions and provide environmental benefits to communities, the policies may not do enough to ensure environmental health disparities are reduced and environmental benefits are provided to those communities most impacted by environmental harms from greenhouse gas and air pollutant emissions.

(5) The legislature further finds that wildfires have become one of the largest sources of black carbon in the last five years. From 2014 through 2018, wildfires in Washington state generated 39,200,000 metric tons of carbon, the equivalent of more than 8,500,000 cars on the road a year. In 2015, when 1,130,000 acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions releasing 17,975,112 metric tons of carbon dioxide into the atmosphere. Wildfire pollution affects all Washingtonians, but has disproportionate health effects on low-income communities, communities of color, and the most vulnerable of our population. Restoring the health of our forests and investing in wildfire prevention and preparedness will therefore contribute to improved air quality and improved public health outcomes.

(6) The legislature further finds that by exercising a leadership role in addressing climate change, Washington will position its economy, technology centers, financial institutions, and manufacturers to benefit from national and international efforts that must occur to reduce greenhouse gases. The legislature intends to create climate policy that recognizes the special nature of emissions-intensive, trade-exposed industries by minimizing leakage and increased life-cycle emissions associated with product imports. The legislature further finds that climate policies must be appropriately designed, in order to avoid leakage that results in net increases in global greenhouse gas emissions and increased negative impacts to those communities most impacted by environmental harms from climate change. The legislature further intends to encourage these industries to continue to innovate, find new ways to be more energy efficient, use lower

carbon products, and be positioned to be global leaders in a low carbon economy.

(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities. The legislature further intends for the department of ecology to conduct environmental justice assessments to ensure that funds and programs created under this chapter provide direct and meaningful benefits to vulnerable populations and overburdened communities. Additionally, the legislature intends to prevent job loss and provide protective measures if workers are adversely impacted by the transition to a clean energy economy through transition and assistance programs, worker-support projects, and workforce development and other activities designed to grow and expand the clean manufacturing sector in communities across Washington state. The legislature further intends to empower the environmental justice council established under RCW 70A.---.--- (section 20, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to provide recommendations for the development and implementation of the program, the distribution of funds, and the establishment of programs, activities, and projects to achieve environmental justice and environmental health goals. The legislature further intends for the department of ecology to create and adopt community engagement plans and tribal consultation frameworks in the administration of the program to ensure equitable practices for meaningful community and federally recognized tribal involvement. Finally, the legislature intends to establish this program to contribute to a healthy environment for all of Washington's communities.

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

(1) "Allowance" means an authorization to emit up to one metric ton of carbon dioxide equivalent.

(2) "Allowance price containment reserve" means an account maintained by the department with allowances available for sale through separate reserve auctions at predefined prices to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3) "Annual allowance budget" means the total number of greenhouse gas allowances allocated for auction and distribution for one calendar year by the department.

(4) "Asset controlling supplier" means any entity that owns or operates interconnected electricity generating facilities or serves as an exclusive marketer for these facilities even though it does not own them, and has been designated by the department and received a department-published emissions factor for the wholesale electricity procured from its system. The department shall use a methodology consistent with the methodology used by an external greenhouse gas emissions trading program that shares the regional electricity transmission system. Electricity from an asset controlling supplier is considered a specified source of electricity.

(5) "Auction" means the process of selling greenhouse gas allowances by offering them up for bid, taking bids, and then distributing the allowances to winning bidders.

(6) "Auction floor price" means a price for allowances below which bids at auction are not eligible to be accepted.

(7) "Auction purchase limit" means the limit on the number of allowances one registered entity or a group of affiliated registered entities may purchase from the share of allowances sold at an auction.

(8) "Balancing authority" means the responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports interconnection frequency in real time.

(9) "Balancing authority area" means the collection of generation, transmission, and load within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(10) "Best available technology" means a technology or technologies that will achieve the greatest reduction in greenhouse gas emissions, taking into account the fuels, processes, and equipment used by facilities to produce goods of comparable type, quantity, and quality. Best available technology must be technically feasible, commercially available, economically viable, not create excessive environmental impacts, and be compliant with all applicable laws while not changing the characteristics of the good being manufactured.

(11) "Biomass" means nonfossilized and biodegradable organic material originating from plants, animals, and microorganisms, including products, by-products, residues, and waste from agriculture, forestry, and related industries as well as the nonfossilized and biodegradable organic fractions of industrial waste, including gases and liquids recovered from the decomposition of nonfossilized and biodegradable organic material.

(12) "Biomass-derived fuels," "biomass fuels," or "biofuels" means fuels derived from biomass that have at least 40 percent lower greenhouse gas emissions based on a full life-cycle analysis when compared to petroleum fuels for which biofuels are capable as serving as a substitute.

(13) "Carbon dioxide equivalents" means a measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(14) "Carbon dioxide removal" means deliberate human activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. "Carbon dioxide removal" includes existing and potential anthropogenic enhancement of biological or geochemical sinks and including, but not limited to, carbon mineralization and direct air capture and storage.

(15) "Climate commitment" means the process and mechanisms to ensure a coordinated and strategic approach to advancing climate resilience and environmental justice and achieving an equitable and inclusive transition to a carbon neutral economy.

(16) "Climate resilience" is the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. For natural systems, increasing climate resilience involves restoring and increasing the health, function, and integrity of our ecosystems and improving their ability to absorb and recover from climate-affected disturbances. For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure.

(17) "Closed facility" means a facility at which the current owner or operator has elected to permanently stop production and will no longer be an emissions source.

(18) "Compliance instrument" means an allowance or offset credit issued by the department or by an external greenhouse gas emissions trading program to which Washington has linked its greenhouse gas emissions cap and invest program. One compliance instrument is equal to one metric ton of carbon dioxide equivalent.

(19) "Compliance obligation" means the requirement to submit to the department the number of compliance instruments

equivalent to a covered or opt-in entity's covered emissions during the compliance period.

(20) "Compliance period" means the four-year period for which the compliance obligation is calculated for covered entities.

(21) "Cost burden" means the impact on rates or charges to customers of electric utilities in Washington state for the incremental cost of electricity service to serve load due to the compliance cost for greenhouse gas emissions caused by the program. Cost burden includes administrative costs from the utility's participation in the program.

(22) "Covered emissions" means the emissions for which a covered entity has a compliance obligation under section 10 of this act.

(23) "Covered entity" means a person that is designated by the department as subject to sections 8 through 24 of this act.

(24) "Cumulative environmental health impact" has the same meaning as provided in RCW 70A.---,--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(25) "Curtailed facility" means a facility at which the owner or operator has temporarily suspended production but for which the owner or operator maintains operating permits and retains the option to resume production if conditions become amenable.

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

(27) "Electricity importer" means:

(a) For electricity that is scheduled with a NERC e-tag to a final point of delivery into a balancing authority area located entirely within the state of Washington, the electricity importer is identified on the NERC e-tag as the purchasing-selling entity on the last segment of the tag's physical path with the point of receipt located outside the state of Washington and the point of delivery located inside the state of Washington;

(b) For facilities physically located outside the state of Washington with the first point of interconnection to a balancing authority area located entirely within the state of Washington when the electricity is not scheduled on a NERC e-tag, the electricity importer is the facility operator or owner;

(c) For electricity imported through a centralized market, the electricity importer will be defined by rule consistent with the rules required under section 10(1)(c) of this act;

(d) For electricity from facilities allocated to serve retail electricity customers of a multijurisdictional electric company, the electricity importer is the multijurisdictional electric company;

(e) If the importer identified under (a) of this subsection is a federal power marketing administration over which the state of Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with the program, then the electricity importer is the next purchasing-selling entity in the physical path on the NERC e-tag, or if no additional purchasing-selling entity over which the state of Washington has jurisdiction, then the electricity importer is the electric utility that operates the Washington transmission or distribution system, or the generation balancing authority;

(f) For electricity that is imported into the state by a federal power marketing administration and sold to a public body or cooperative customer or direct service industrial customer located in Washington pursuant to section 5(b) or (d) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, the electricity importer is the federal marketing administration;

(g) If the importer identified under (f) of this subsection has not voluntarily elected to comply with the program, then the electricity importer is the public body or cooperative customer or direct service industrial customer; or

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(h) For electricity from facilities allocated to a consumer-owned utility inside the state of Washington from a multijurisdictional consumer-owned utility, the electricity importer is the consumer-owned utility inside the state of Washington.

(28) "Emissions containment reserve allowance" means a conditional allowance that is withheld from sale at an auction by the department or its agent to secure additional emissions reductions in the event prices fall below the emissions containment reserve trigger price.

(29) "Emissions containment reserve trigger price" means the price below which allowances will be withheld from sale by the department or its agent at an auction, as determined by the department by rule.

(30) "Emissions threshold" means the greenhouse gas emission level at or above which a person has a compliance obligation.

(31) "Environmental benefits" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(32) "Environmental harm" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(33) "Environmental impacts" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(34) "Environmental justice" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(35) "Environmental justice assessment" has the same meaning as identified in RCW 70A.--- (section 14, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(36) "External greenhouse gas emissions trading program" means a government program, other than Washington's program created in this chapter, that restricts greenhouse gas emissions from sources outside of Washington and that allows emissions trading.

(37) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(38) "First jurisdictional deliverer" means the owner or operator of an electric generating facility in Washington or an electricity importer.

(39) "General market participant" means a registered entity that is not identified as a covered entity or an opt-in entity that is registered in the program registry and intends to purchase, hold, sell, or voluntarily retire compliance instruments.

(40) "Greenhouse gas" has the same meaning as in RCW 70A.45.010.

(41) "Holding limit" means the maximum number of allowances that may be held for use or trade by a registered entity at any one time.

(42) "Imported electricity" means electricity generated outside the state of Washington with a final point of delivery within the state.

(a) "Imported electricity" includes electricity from an organized market, such as the energy imbalance market.

(b) "Imported electricity" includes imports from linked jurisdictions, but such imports shall be construed as having no emissions.

(c) Electricity from a system that is marketed by a federal power marketing administration shall be construed as "imported electricity," not electricity generated in the state of Washington.

(d) "Imported electricity" does not include electricity imports of unspecified electricity that are netted by exports of unspecified electricity to any jurisdiction not covered by a linked program by the same entity within the same hour.

(e) For a multijurisdictional electric company, "imported electricity" means electricity, other than from in-state facilities, that contributes to a common system power pool. Where a multijurisdictional electric company has a cost allocation methodology approved by the utilities and transportation commission, the allocation of specific facilities to Washington's retail load will be in accordance with that methodology.

(f) For a multijurisdictional consumer-owned utility, "imported electricity" includes electricity from facilities that contribute to a common system power pool that are allocated to a consumer-owned utility inside the state of Washington pursuant to a methodology approved by the governing board of the consumer-owned utility.

(43) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by a directly attributable increase in greenhouse gas emissions outside the state and outside the geography of another jurisdiction with a linkage agreement with Washington.

(44) "Limits" means the greenhouse gas emissions reductions required by RCW 70A.45.020.

(45) "Linkage" means a bilateral or multilateral decision under a linkage agreement between greenhouse gas market programs to accept compliance instruments issued by a participating jurisdiction to meet the obligations of regulated entities in a partner jurisdiction and to otherwise coordinate activities to facilitate operation of a joint market.

(46) "Linkage agreement" means a nonbinding agreement that connects two or more greenhouse gas market programs and articulates a mutual understanding of how the participating jurisdictions will work together to facilitate a connected greenhouse gas market.

(47) "Linked jurisdiction" means a jurisdiction with which Washington has entered into a linkage agreement.

(48) "Multijurisdictional consumer-owned utility" means a consumer-owned utility that provides electricity to member owners in Washington and in one or more other states in a contiguous service territory or from a common power system.

(49) "Multijurisdictional electric company" means an investor-owned utility that provides electricity to customers in Washington and in one or more other states in a contiguous service territory or from a common power system.

(50) "NERC e-tag" means North American electric reliability corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

(51) "Offset credit" means a tradable compliance instrument that represents an emissions reduction or emissions removal of one metric ton of carbon dioxide equivalent.

(52) "Offset project" means a project that reduces or removes greenhouse gases that are not covered emissions under this chapter.

(53) "Offset protocols" means a set of procedures and standards to quantify greenhouse gas reductions or greenhouse gas removals achieved by an offset project.

(54) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts or risks due to exposure to environmental pollutants or contaminants through multiple pathways, which may result in significant disparate adverse health outcomes or effects.

(a) "Overburdened community" includes, but is not limited to:

(i) Highly impacted communities as defined in RCW 19.405.020;

(ii) Communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151; and

(iii) Populations, including Native Americans or immigrant populations, who may be exposed to environmental contaminants and pollutants outside of the geographic area in which they reside based on the populations' use of traditional or cultural foods and practices, such as the use of resources, access to which is protected under treaty rights in ceded areas, when those exposures in conjunction with other exposures may result in disproportionately greater risks, including risks of certain cancers or other adverse health effects and outcomes.

(b) Overburdened communities identified by the department may include the same communities as those identified by the department through its process for identifying overburdened communities under RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(55) "Person" has the same meaning as defined in RCW 70A.15.2200(5)(h)(iii).

(56) "Point of delivery" means a point on the electricity transmission or distribution system where a deliverer makes electricity available to a receiver, or available to serve load. This point may be an interconnection with another system or a substation where the transmission provider's transmission and distribution systems are connected to another system, or a distribution substation where electricity is imported into the state over a multijurisdictional retail provider's distribution system.

(57) "Price ceiling unit" means the units issued at a fixed price by the department for the purpose of limiting price increases and funding further investments in greenhouse gas reductions.

(58) "Program" means the greenhouse gas emissions cap and invest program created by and implemented pursuant to this chapter.

(59) "Program registry" means the data system in which covered entities, opt-in entities, and general market participants are registered and in which compliance instruments are recorded and tracked.

(60) "Registered entity" means a covered entity, opt-in entity, or general market participant that has completed the process for registration in the program registry.

(61) "Resilience" means the ability to prepare, mitigate and plan for, withstand, recover from, and more successfully adapt to adverse events and changing conditions, and reorganize in an equitable manner that results in a new and better condition.

(62) "Retire" means to permanently remove a compliance instrument such that the compliance instrument may never be sold, traded, or otherwise used again.

(63) "Specified source of electricity" or "specified source" means a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

(64) "Supplier" means a supplier of fuel in Washington state as defined in RCW 70A.15.2200(5)(h)(ii).

(65) "Tribal lands" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(66) "Unspecified source of electricity" or "unspecified source" means a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.

(67) "Voluntary renewable reserve account" means a holding account maintained by the department from which allowances may be retired for voluntary renewable electricity generation, which is directly delivered to the state and has not and will not be sold or used to meet any other mandatory requirements in the state or any other jurisdiction, on behalf of voluntary renewable energy purchasers or end users.

(68) "Vulnerable populations" has the same meaning as defined in RCW 70A.--- (section 2, chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

NEW SECTION. Sec. 3. ENVIRONMENTAL JUSTICE REVIEW. (1) To ensure that the program created in sections 8 through 24 of this act achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution, the department must:

(a) Identify overburdened communities, which may be accomplished through the department's process to identify overburdened communities under chapter . . ., Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141);

(b) Deploy an air monitoring network in overburdened communities to collect sufficient air quality data for the 2023 review and subsequent reviews of criteria pollutant reductions conducted under subsection (2) of this section; and

(c)(i) Within the identified overburdened communities, analyze and determine which sources are the greatest contributors of criteria pollutants and develop a high priority list of significant emitters.

(ii) Prior to listing any entity as a high priority emitter, the department must notify that entity and share the data used to rank that entity as a high priority emitter, and provide a period of not less than 60 days for the covered entity to submit more recent data or other information relevant to the designation of that entity as a high priority emitter.

(2)(a) Beginning in 2023, and every two years thereafter, the department must conduct a review to determine levels of criteria pollutants, as well as greenhouse gas emissions, in the overburdened communities identified under subsection (1) of this section. This review must also include an evaluation of initial and subsequent health impacts related to criteria pollution in overburdened communities. The department may conduct this evaluation jointly with the department of health.

(b) Once this review determines the levels of criteria pollutants in an identified overburdened community, then the department, in consultation with local air pollution control authorities, must:

(i) Establish air quality targets to achieve air quality consistent with whichever is more protective for human health:

(A) National ambient air quality standards established by the United States environmental protection agency; or

(B) The air quality experienced in neighboring communities that are not identified as overburdened;

(ii) Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;

(iii) Achieve the reduction targets through adoption of emission control strategies or other methods;

(iv) Adopt, along with local air pollution control authorities, stricter air quality standards, emission standards, or emissions limitations on criteria pollutants, consistent with the authority of the department provided under RCW 70A.15.3000, and may consider alternative mitigation actions that would reduce criteria pollution by similar amounts; and

(v) After adoption of the stricter air quality standards, emission standards, or emissions limitations on criteria pollutants under (b)(iv) of this subsection, issue an enforceable order or the local air authority must issue an enforceable order, as authorized under section 35 of this act, as necessary to comply with the stricter

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standards or limitations and the requirements of this section. The department or local air authority must initiate the process, including provision of notice to all relevant affected permittees or registered sources and to the public, to adopt and implement an enforceable order required under this subsection within six months of the adoption of standards or limitations under (b)(iv) of this subsection.

(c) Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community.

(3) An eligible facility sited after the effective date of this section that receives allowances under section 13 of this act must mitigate increases in its emissions of particulate matter in overburdened communities.

(4)(a) The department must create and adopt a supplement to the department's community engagement plan developed pursuant to chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141). The supplement must describe how the department will engage with overburdened communities and vulnerable populations in:

- (i) Identifying emitters in overburdened communities; and
- (ii) Monitoring and evaluating criteria pollutant emissions in those areas.

(b) The community engagement plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. Sec. 4. ENVIRONMENTAL JUSTICE ASSESSMENT. (1) Each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW 70A.--- (section 14, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.--- (section 2, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)).

(2) The allocation of funding under subsection (1) of this section must adhere to the following principles, additional to the requirements of RCW 70A.--- (section 16, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)): (a) Benefits and programs should be directed to areas and targeted to vulnerable populations and overburdened communities to reduce statewide disparities; (b) investments and benefits should be made roughly proportional to the health disparities that a specific community experiences, with a goal of eliminating the disparities; (c) investments and programs should focus on creating environmental benefits, including eliminating health burdens, creating community and population resilience, and raising the quality of life of those in the community; and (d) efforts should

be made to balance investments and benefits across the state and within counties, local jurisdictions, and unincorporated areas as appropriate to reduce disparities by location and to ensure efforts contribute to a reduction in disparities that exist based on race or ethnicity, socioeconomic status, or other factors.

(3) State agencies allocating funds or administering grants or programs from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act, must:

(a) Report annually to the environmental justice council created in RCW 70A.--- (section 20, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) regarding progress toward meeting environmental justice and environmental health goals;

(b) Consider recommendations by the environmental justice council; and

(c)(i) If the agency is not a covered agency subject to the requirements of chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141), create and adopt a community engagement plan to describe how it will engage with overburdened communities and vulnerable populations in allocating funds or administering grants or programs from the climate investment account.

(ii) The plan must include methods for outreach and communication with those who face barriers, language or otherwise, to participation.

NEW SECTION. Sec. 5. ENVIRONMENTAL JUSTICE COUNCIL. (1) The environmental justice council created in RCW 70A.--- (section 20, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) must provide recommendations to the legislature, agencies, and the governor in the development and implementation of the program established in sections 8 through 24 of this act, and the programs funded from the carbon emissions reduction account created in section 27 of this act and from the climate investment account created in section 28 of this act.

(2) In addition to the duties and authorities granted in chapter 70A.--- RCW (the new chapter created in section 22, chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141)) to the environmental justice council, the environmental justice council must:

(a) Provide recommendations to the legislature, agencies, and the governor in the development of:

(i) The program established in sections 8 through 24 of this act including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under section 13 of this act, and administration of allowances under the program; and

(ii) Investment plans and funding proposals for the programs funded from the climate investment account created in section 28 of this act for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities;

(b) Provide a forum to analyze policies adopted under this chapter to determine if the policies lead to improvements within overburdened communities;

(c) Recommend procedures and criteria for evaluating programs, activities, or projects;

(d) Recommend copollutant emissions reduction goals in overburdened communities;

(e) Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and

the funding of projects and activities located within or benefiting overburdened communities;

(f) Recommend environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

(g) Provide recommendations to implementing agencies for meaningful consultation with vulnerable populations, including community engagement plans under sections 3 and 4 of this act; and

(h) Recommend how to support public participation through capacity grants for participation.

(3) For the purpose of performing the duties under subsection (2) of this section, two additional tribal members are added to the council.

NEW SECTION. Sec. 6. TRIBAL CONSULTATION.

(1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in section 28 of this act must develop a consultation framework in coordination with tribal governments that includes best practices, protocols for communication, and collaboration with federally recognized tribes. Under this consultation framework, before allocating funding or administering grant programs appropriated from the climate investment account, agencies must offer consultation with federally recognized tribes on all funding decisions and programs that may impact, infringe upon, or impair the governmental efforts of federally recognized tribes to adopt or enforce their own standards governing or protecting the tribe's resources or other rights and interests in their tribal lands and lands within which a tribe or tribes possess rights reserved by treaty. The consultation is independent of any public participation process required by state law, or by a state agency, and regardless of whether the agency receives a request for consultation from a federally recognized tribe.

(2)(a) If any funding decision, program, project, or activity that impacts lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is undertaken or funded under this chapter without such consultation with a federally recognized tribe, an affected tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation with any directly impacted federally recognized tribe is completed.

(b) A project or activity funded in whole or in part from the account created in section 28 of this act must be paused or ceased in the event that an affected federally recognized Indian tribe or the department of archaeology and historic preservation provides timely notice of a determination to the department and any other agency responsible for the project or activity that the project will adversely impact cultural resources, archaeological sites, or sacred sites. A project or activity paused at the direction of the department under this subsection may not be resumed or completed unless the potentially impacted tribe provides consent to the department and the proponent of the project or activity.

NEW SECTION. Sec. 7. GOVERNANCE STRUCTURE.

(1) The governor shall establish a governance structure to implement the state's climate commitment under the authority provided under this chapter and other statutory authority to provide accountability for achieving the state's greenhouse gas limits in RCW 70A.45.020, to establish a coordinated and strategic statewide approach to climate resilience, to build an equitable and inclusive clean energy economy, and to ensure that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those limits.

(2) The governance structure for implementing the state's climate commitment must:

(a) Be holistic and address the needs, challenges, and opportunities to meet the climate commitment;

(b) Address emission reductions from all relevant sectors and sources by ensuring that emitters are responsible for meeting targeted greenhouse gas reductions and that the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those reductions;

(c) Support an equitable transition for vulnerable populations and overburdened communities, including through early and meaningful engagement of overburdened communities and workers to ensure the program achieves equitable and just outcomes;

(d) Build increasing climate resilience for at-risk communities and ecosystems through cross-sectoral coordination, strategic planning, and cohesive policies; and

(e) Apply the most current, accurate, and complete scientific and technical information available to guide the state's climate actions and strategies.

(3) The governance structure for implementing the state's climate commitment must include, but not be limited to, the following elements:

(a) A strategic plan for aligning existing law, rules, policies, programs, and plans with the state's greenhouse gas limits, to the full extent allowed under existing authority;

(b) Common state policies, standards, and procedures for addressing greenhouse gas emissions and climate resilience, including grant and funding programs, infrastructure investments, and planning and siting decisions;

(c) A process for prioritizing and coordinating funding consistent with strategic needs for greenhouse gas reductions, equity and environmental justice, and climate resilience actions;

(d) An updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems;

(e) A comprehensive community engagement plan that addresses and mitigates barriers to engagement from vulnerable populations, overburdened communities, and other historically or currently marginalized groups; and

(f) An analysis of gaps and conflicts in state law and programs, with recommendations for improvements to state law.

(4) The governor's office shall develop policy and budget recommendations to the legislature necessary to implement the state's climate commitment by December 31, 2021, in accordance with the purpose, principles, and elements in subsections (1) through (3) of this section.

(5) Nothing in this section establishes or creates legal authority for the department or any other state agency to enact, adopt, issue an order, or in any way implement additional regulatory programs beyond what is provided for under this chapter and other statutes.

NEW SECTION. Sec. 8. CAP ON GREENHOUSE GAS EMISSIONS. (1) In order to ensure that greenhouse gas emissions are reduced by covered entities consistent with the limits established in RCW 70A.45.020, the department must implement a cap on greenhouse gas emissions from covered entities and a program to track, verify, and enforce compliance through the use of compliance instruments.

(2) The program must consist of:

(a) Annual allowance budgets that limit emissions from covered entities, as provided in this section and sections 9 and 10 of this act;

(b) Defining those entities covered by the program, and those entities that may voluntarily opt into coverage under the program, as provided in this section and sections 9 and 10 of this act;

(c) Distribution of emission allowances, as provided in section 12 of this act, and through the allowance price containment provisions under sections 16 and 17 of this act;

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(d) Providing for offset credits as a method for meeting a compliance obligation, pursuant to section 19 of this act;

(e) Defining the compliance obligations of covered entities, as provided in section 22 of this act;

(f) Establishing the authority of the department to enforce the program requirements, as provided in section 23 of this act;

(g) Creating a climate investment account for the deposit of receipts from the distribution of emission allowances, as provided in section 28 of this act;

(h) Providing for the transfer of allowances and recognition of compliance instruments, including those issued by jurisdictions with which Washington has linkage agreements;

(i) Providing monitoring and oversight of the sale and transfer of allowances by the department;

(j) Creating a price ceiling and associated mechanisms as provided in section 18 of this act; and

(k) Providing for the allocation of allowances to emissions-intensive, trade-exposed industries pursuant to section 13 of this act.

(3) The department shall consider opportunities to implement the program in a manner that allows linking the state's program with those of other jurisdictions. The department must evaluate whether such linkage will provide for a more cost-effective means for covered entities to meet their compliance obligations in Washington while recognizing the special characteristics of the state's economy, communities, and industries. The department is authorized to enter into a linkage agreement with another jurisdiction after conducting an environmental justice assessment and after formal notice and opportunity for a public hearing, and when consistent with the requirements of section 24 of this act.

(4) During the 2022 regular legislative session, the department must bring forth agency request legislation developed in consultation with emissions-intensive, trade-exposed businesses, covered entities, environmental advocates, and overburdened communities that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

(5) By December 1, 2027, and at least every four years thereafter and in compliance with RCW 43.01.036, the department must submit a report to the legislature that includes a comprehensive review of the implementation of the program to date, including but not limited to outcomes relative to the state's emissions reduction limits, overburdened communities, covered entities, and emissions-intensive, trade-exposed businesses. The department must transmit the report to the environmental justice council at the same time it is submitted to the legislature.

(6) The department must bring forth agency request legislation if the department finds that any provision of this chapter prevents linking Washington's cap and invest program with that of any other jurisdiction.

NEW SECTION. Sec. 9. ANNUAL ALLOWANCE BUDGET AND TIMELINES. (1)(a) The department shall commence the program by January 1, 2023, by determining an emissions baseline establishing the proportionate share that the total greenhouse gas emissions of covered entities for the first compliance period bears to the total anthropogenic greenhouse gas emissions in the state during 2015 through 2019, based on data reported to the department under RCW 70A.15.2200 or provided as required by this chapter, as well as other relevant data. By October 1, 2022, the department shall adopt annual allowance budgets for the first compliance period of the program, calendar years 2023 through 2026, to be distributed from January 1, 2023, through December 31, 2026. If the first compliance period is delayed pursuant to section 22(7) of this act, the department shall

adjust the annual allowance budgets to reflect a shorter first compliance period.

(b) By October 1, 2026, the department shall add to its emissions baseline by incorporating the proportionate share that the total greenhouse gas emissions of new covered entities in the second compliance period bear to the total anthropogenic greenhouse gas emissions in the state during 2023 through 2025. In determining the addition to the baseline, the department may exclude a year from the determination if the department identifies that year to have been an outlier due to a state of emergency. The department shall adopt annual allowance budgets for the second compliance period of the program, calendar years 2027 through 2030, that will be distributed from January 1, 2027, through December 31, 2030.

(c) By October 1, 2028, the department shall adopt by rule the annual allowance budgets for calendar years 2031 through 2040.

(2) The annual allowance budgets must be set to achieve the share of reductions by covered entities necessary to achieve the 2030, 2040, and 2050 statewide emissions limits established in RCW 70A.45.020, based on data reported to the department under chapter 70A.15 RCW or provided as required by this chapter. Annual allowance budgets must be set such that the use of offsets as compliance instruments, consistent with section 19 of this act, does not prevent the achievement of the emissions limits established in RCW 70A.45.020. In so setting annual allowance budgets, the department must reduce the annual allowance budget relative to the limits in an amount equivalent to offset use, or in accordance with a similar methodology adopted by the department. The department must adopt annual allowance budgets for the program on a calendar year basis that provide for progressively equivalent reductions year over year. An allowance distributed under the program, either directly by the department under sections 13 through 15 of this act or through auctions under section 12 of this act, does not expire and may be held or banked consistent with sections 12(6) and 17(1) of this act.

(3) The department must complete an evaluation by December 31, 2027, and by December 31, 2035, of the performance of the program, including its performance in reducing greenhouse gases. If the evaluation shows that adjustments to the annual allowance budgets are necessary for covered entities to achieve their proportionate share of the 2030 and 2040 emission reduction limits identified in RCW 70A.45.020, as applicable, the department shall adjust the annual allowance budgets accordingly. The department must complete additional evaluations of the performance of the program by December 31, 2040, and by December 31, 2045, and make any necessary adjustments in the annual allowance budgets to ensure that covered entities achieve their proportionate share of the 2050 emission reduction limit identified in RCW 70A.45.020. Nothing in this subsection precludes the department from making additional adjustments to annual allowance budgets as necessary to ensure successful achievement of the proportionate emission reduction limits by covered entities. The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional allowance budget adjustments to ensure successful achievement of the proportionate emission reduction limits.

(4) Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2015 through 2019 is deemed sufficient for the purpose of adopting annual allowance budgets and serving as the baseline by which covered entities demonstrate compliance under the first compliance period of the program. Data reported to the department under RCW 70A.15.2200 or provided as required by this chapter for 2023 through 2025 is deemed sufficient for adopting annual allowance

budgets and serving as the baseline by which covered entities demonstrate compliance under the second compliance period of the program.

(5) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other jurisdictions. Therefore, the legislature finds that implementation of this section is contingent upon the enactment of section 13 of this act.

NEW SECTION. Sec. 10. PROGRAM COVERAGE. (1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

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

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

(c) Where the person is a first jurisdictional deliverer importing electricity into the state and the cumulative annual total of emissions associated with the imported electricity, whether from specified or unspecified sources, exceeds 25,000 metric tons of carbon dioxide equivalent. In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

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

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

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

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

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

(3)(a) A person is a covered entity beginning January 1, 2031, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2027 through 2029, where the person owns or operates a:

(i) Landfill utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent; or

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

(b) Subsection (a) of this subsection does not apply to owners or operators of landfills that:

(i) Capture at least 75 percent of the landfill gas generated by the decomposition of waste using methods under 40 C.F.R. Part 98, Subpart HH - Municipal Solid Waste landfills, and subsequent updates; and

(ii) Operate a program, individually or through partnership with another entity, that results in the production of renewable natural gas or electricity from landfill gas generated by the facility.

(c) It is the intent of the legislature to adopt a greenhouse gas reduction policy specific to landfills. If such a policy is not enacted by January 1, 2030, the requirements of this subsection (3) take full effect.

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

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

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years

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under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

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

- (a) Emissions from the combustion of aviation fuels;
- (b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;
- (c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;
- (d) Carbon dioxide emissions from the combustion of biomass or biofuels;
- (e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.

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

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

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

(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

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

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net

cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

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

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

NEW SECTION. Sec. 11. REQUIREMENTS. (1) All covered entities must register to participate in the program, following procedures adopted by the department by rule.

(2) Entities registering to participate in the program must describe any direct or indirect affiliation with other registered entities.

(3) A person responsible for greenhouse gas emissions that is not a covered entity may voluntarily participate in the program by registering as an opt-in entity. An opt-in entity must satisfy the same registration requirements as covered entities. Once registered, an opt-in entity is allowed to participate as a covered entity in auctions and must assume the same compliance obligation to transfer compliance instruments equal to their emissions at the appointed transfer dates. An opt-in entity may opt out of the program at the end of any compliance period by providing written notice to the department at least six months prior to the end of the compliance period. The opt-in entity continues to have a compliance obligation through the current compliance period. An opt-in entity is not eligible to receive allowances directly distributed under section 13, 14, or 15 of this act.

(4) A person that is not covered by the program and is not a covered entity or opt-in entity may voluntarily participate in the program as a general market participant. General market participants must meet all applicable registration requirements specified by rule.

(5) Federally recognized tribes and federal agencies may elect to participate in the program as opt-in entities or general market participants.

(6) The department shall use a secure, online electronic tracking system to: Register entities in the state program; issue compliance instruments; track ownership of compliance instruments; enable and record compliance instrument transfers; facilitate program compliance; and support market oversight.

(7) The department must use an electronic tracking system that allows two accounts to each covered or opt-in entity:

(a) A compliance account where the compliance instruments are transferred to the department for retirement. Compliance instruments in compliance accounts may not be sold, traded, or otherwise provided to another account or person.

(b) A holding account that is used when a registered entity is interested in trading allowances. Allowances in holding accounts may be bought, sold, transferred to another registered entity, or traded. The amount of allowances a registered entity may have in

its holding account is constrained by the holding limit as determined by the department by rule. Information about the contents of each holding account, including but not limited to the number of allowances in the account, must be displayed on a regularly maintained and searchable public website established and updated by the department.

(8) Registered general market participants are each allowed an account, to hold, trade, sell, or transfer allowances.

(9) The department shall maintain an account for the purpose of retiring allowances transferred by registered entities and from the voluntary renewable reserve account.

(10) The department shall maintain a public roster of all covered entities, opt-in entities, and general market participants on the department's public website.

(11) The department shall include a voluntary renewable reserve account.

NEW SECTION. Sec. 12. AUCTIONS OF ALLOWANCES. (1) Except as provided in sections 13, 14, and 15 of this act, the department shall distribute allowances through auctions as provided in this section and in rules adopted by the department to implement these sections. An allowance is not a property right.

(2)(a) The department shall hold a maximum of four auctions annually, plus any necessary reserve auctions. An auction may include allowances from the annual allowance budget of the current year and allowances from the annual allowance budgets from prior years that remain to be distributed. The department must transmit to the environmental justice council an auction notice at least 60 days prior to each auction, as well as a summary results report and a postauction public proceeds report within 60 days after each auction. The department must communicate the results of the previous calendar year's auctions to the environmental justice council on an annual basis beginning in 2024.

(b) The department must make future vintage allowances available through parallel auctions at least twice annually in addition to the auctions through which current vintage allowances are exclusively offered under (a) of this subsection.

(3) The department shall engage a qualified, independent contractor to run the auctions. The department shall also engage a qualified financial services administrator to hold the bid guarantees, evaluate bid guarantees, and inform the department of the value of bid guarantees once the bids are accepted.

(4) Auctions are open to covered entities, opt-in entities, and general market participants that are registered entities in good standing. The department shall adopt by rule the requirements for a registered entity to register and participate in a given auction.

(a) Registered entities intending to participate in an auction must submit an application to participate at least 30 days prior to the auction. The application must include the documentation required for review and approval by the department. A registered entity is eligible to participate only after receiving a notice of approval by the department.

(b) Each registered entity that elects to participate in the auction must have a different representative. Only a representative with an approved auction account is authorized to access the auction platform to submit an application or confirm the intent to bid for the registered entity, submit bids on behalf of the registered entity during the bidding window, or to download reports specific to the auction.

(5) The department may require a bid guarantee, payable to the financial services administrator, in an amount greater than or equal to the sum of the maximum value of the bids to be submitted by the registered entity.

(6) To protect the integrity of the auctions, a registered entity or group of registered entities with a direct corporate association

are subject to auction purchase and holding limits. The department may impose additional limits if it deems necessary to protect the integrity and functioning of the auctions:

(a) A covered entity or an opt-in entity may not buy more than 10 percent of the allowances offered during a single auction;

(b) A general market participant may not buy more than four percent of the allowances offered during a single auction and may not in aggregate own more than 10 percent of total allowances to be issued in a calendar year;

(c) No registered entity may buy more than the entity's bid guarantee; and

(d) No registered entity may buy allowances that would exceed the entity's holding limit at the time of the auction.

(7)(a) For fiscal year 2023, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$127,341,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(b) For fiscal year 2024, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$356,697,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(c) For fiscal year 2025, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$366,558,000 must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(d) For fiscal years 2026 through 2037, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) \$359,117,000 per year must first be deposited into the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(e) The deposits into the carbon emissions reduction account pursuant to (a) through (d) of this subsection must not exceed \$5,200,000,000 over the first 16 years and any remaining auction proceeds must be deposited into the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

(f) For fiscal year 2038 and each year thereafter, upon completion and verification of the auction results, the financial services administrator shall notify winning bidders and transfer the auction proceeds to the state treasurer for deposit as follows: (i) 50 percent of the auction proceeds to the carbon emissions reduction account created in section 27 of this act; and (ii) the remaining auction proceeds to the climate investment account created in section 28 of this act and the air quality and health disparities improvement account created in section 31 of this act.

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(8) The department shall adopt by rule provisions to guard against bidder collusion and minimize the potential for market manipulation. A registered entity may not release or disclose any bidding information including: Intent to participate or refrain from participation; auction approval status; intent to bid; bidding strategy; bid price or bid quantity; or information on the bid guarantee provided to the financial services administrator. The department may cancel or restrict a previously approved auction participation application or reject a new application if the department determines that a registered entity has:

- (a) Provided false or misleading facts;
- (b) Withheld material information that could influence a decision by the department;
- (c) Violated any part of the auction rules;
- (d) Violated registration requirements; or
- (e) Violated any of the rules regarding the conduct of the auction.

(9) Any cancellation or restriction approved by the department under subsection (8) of this section may be permanent or for a specified number of auctions and the cancellation or restriction imposed is not exclusive and is in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other state or federal laws, if applicable.

(10) The department shall design allowance auctions so as to allow, to the maximum extent practicable, linking with external greenhouse gas emissions trading programs in other jurisdictions and to facilitate the transfer of allowances when the state's program has entered into a linkage agreement with other external greenhouse gas emissions trading programs. The department may conduct auctions jointly with linked jurisdictions.

(11) In setting the number of allowances offered at each auction, the department shall consider the allowances in the marketplace due to the marketing of allowances issued as required under sections 13, 14, and 15 of this act in the department's determination of the number of allowances to be offered at auction. The department shall offer only such number of allowances at each auction as will enhance the likelihood of achieving the goals of RCW 70A.45.020.

NEW SECTION. Sec. 13. ALLOCATION OF ALLOWANCES TO EMISSIONS-INTENSIVE, TRADE-EXPOSED INDUSTRIES. (1) Facilities owned or operated by a covered entity must receive an allocation of allowances for the covered emissions at those facilities under this subsection at no cost if the operations of the facility are classified as emissions-intensive and trade-exposed, as determined by being engaged in one or more of the processes described by the following industry descriptions and codes in the North American industry classification system:

(a) Metals manufacturing, including iron and steel making, ferroalloy and primary metals manufacturing, secondary aluminum smelting and alloying, aluminum sheet, plate, and foil manufacturing, and smelting, refining, and alloying of other nonferrous metals, North American industry classification system codes beginning with 331;

(b) Paper manufacturing, including pulp mills, paper mills, and paperboard milling, North American industry classification system codes beginning with 322;

(c) Aerospace product and parts manufacturing, North American industry classification system codes beginning with 3364;

(d) Wood products manufacturing, North American industry classification system codes beginning with 321;

(e) Nonmetallic mineral manufacturing, including glass container manufacturing, North American industry classification system codes beginning with 327;

(f) Chemical manufacturing, North American industry classification system codes beginning with 325;

(g) Computer and electronic product manufacturing, including semiconductor and related device manufacturing, North American industry classification system codes beginning with 334;

(h) Food manufacturing, North American industry classification system codes beginning with 311;

(i) Cement manufacturing, North American industry classification system code 327310;

(j) Petroleum refining, North American industry classification system code 324110;

(k) Asphalt paving mixtures and block manufacturing from refined petroleum, North American industry classification system code 324121;

(l) Asphalt shingle and coating manufacturing from refined petroleum, North American industry classification system code 324122; and

(m) All other petroleum and coal products manufacturing from refined petroleum, North American industry classification system code 324199.

(2) By July 1, 2022, the department must adopt by rule objective criteria for both emissions' intensity and trade exposure for the purpose of identifying emissions-intensive, trade-exposed manufacturing businesses during the second compliance period of the program and subsequent compliance periods. A facility covered by subsection (1)(a) through (m) of this section is considered an emissions-intensive, trade-exposed facility and is eligible for allocation of no cost allowances as described in this section. In addition, any covered party that is a manufacturing business that can demonstrate to the department that it meets the objective criteria adopted by rule is also eligible for treatment as emissions-intensive, trade-exposed and is eligible for allocation of no cost allowances as described in this section. In developing the objective criteria under this subsection, the department must consider the locations of facilities potentially identified as emissions-intensive, trade-exposed manufacturing businesses relative to overburdened communities.

(3)(a) For the first compliance period beginning in January 1, 2023, the annual allocation of no cost allowances for direct distribution to a facility identified as emissions-intensive and trade-exposed must be equal to the facility's baseline carbon intensity established using data from 2015 through 2019, or other data as allowed under this section, multiplied by the facility's actual production for each calendar year during the compliance period. For facilities using the mass-based approach, the allocation of no cost allowances shall be equal to the facility's mass-based baseline using data from 2015 through 2019, or other data as allowed under this section.

(b) For the second compliance period, beginning in January, 2027, and in each subsequent compliance period, the annual allocation of no cost allowances established in (a) of this subsection shall be adjusted according to the benchmark reduction schedules established in (b)(ii) and (iii) and (c) of this subsection multiplied by the facility's actual production during the period. The department shall adjust the no cost allocation of allowances and credits to an emissions-intensive and trade-exposed facility to avoid duplication with any no cost allowances transferred pursuant to sections 14 and 15 of this act, if applicable.

(i) For the purpose of this section, "carbon intensity" means the amount of carbon dioxide equivalent emissions from a facility in metric tons divided by the facility specific measure of production including, but not limited to, units of product manufactured or sold, over the same time interval.

(ii) If an emissions-intensive and trade-exposed facility is not able to feasibly determine a carbon intensity benchmark based on its unique circumstances, the entity may elect to use a mass-based baseline that does not vary based on changes in production volumes. The mass-based baseline must be based upon data from 2015 through 2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015. For each year during the first four-year compliance period that begins January 1, 2023, these facilities must be awarded no cost allowances equal to 100 percent of the facility's mass-based baseline. For each year during the second four-year compliance period that begins January 1, 2027, these facilities must be awarded no cost allowances equal to 97 percent of the facility's mass-based baseline. For each year during the third compliance period that begins January 1, 2031, these facilities must be awarded no cost allowances equal to 94 percent of the facility's mass-based baseline. Except as provided in (b)(iii) of this subsection, if a facility elects to use a mass-based baseline, it may not later convert to a carbon intensity benchmark during the first three compliance periods.

(iii) A facility with a North American industry classification system code beginning with 3364 that is utilizing a mass-based baseline in (b)(ii) of this subsection must receive an additional no cost allowance allocation under this section in order to accommodate an increase in production that increases its emissions above the baseline on a basis equivalent in principle to those awarded to entities utilizing a carbon intensity benchmark pursuant to this subsection (3)(b). The department shall establish methods to award, for any annual period, additional no cost allowance allocations under this section and, if appropriate based on projected production, to achieve a similar ongoing result through the adjustment of the facility's mass-based baseline. An eligible facility under this subsection that has elected to use a mass-based baseline may not convert to a carbon intensity benchmark until the next compliance period.

(c)(i) By September 15, 2022, each emissions-intensive, trade-exposed facility shall submit its carbon intensity baseline for the first compliance period to the department. The carbon intensity baseline for the first compliance period must use data from 2015-2019, unless the emissions-intensive, trade-exposed facility can demonstrate that there have been abnormal periods of operation that materially impacted the facility and the baseline period should be expanded to include years prior to 2015.

(ii) By November 15, 2022, the department shall review and approve each emissions-intensive, trade-exposed facility's baseline carbon intensity for the first compliance period.

(d) During the first four-year compliance period that begins January 1, 2023, each emissions-intensive, trade-exposed facility must record its facility-specific carbon intensity baseline based on its actual production.

(e)(i) For the second four-year compliance period that begins January 1, 2027, the second period benchmark for each emissions-intensive, trade-exposed facility is three percent below the first period baseline specified in (a), (b), and (c) of this subsection.

(ii) For the third four-year compliance period that begins January 1, 2031, the third period benchmark for each emissions-intensive, trade-exposed facility is three percent lower than the second period benchmark.

(f) Prior to the beginning of either the second, third, or subsequent compliance periods, the department may make an upward adjustment in the next compliance period's benchmark for an emissions-intensive, trade-exposed facility based on the facility's demonstration to the department that additional

reductions in carbon intensity or mass emissions are not technically or economically feasible. The department may base the upward adjustment applicable to an emissions-intensive, trade-exposed facility in the next compliance period on the facility's best available technology analysis. The department shall by rule provide for emissions-intensive, trade-exposed facilities to apply to the department for an adjustment to the allocation for direct distribution of no cost allowances based on its facility-specific carbon intensity benchmark or mass emissions baseline. The department shall make adjustments based on:

(i) A significant change in the emissions use or emissions attributable to the manufacture of an individual good or goods in this state by an emissions-intensive, trade-exposed facility based on a finding by the department that an adjustment is necessary to accommodate for changes in the manufacturing process that have a material impact on emissions;

(ii) Significant changes to an emissions-intensive, trade-exposed facility's external competitive environment that result in a significant increase in leakage risk; or

(iii) Abnormal operating periods when an emissions-intensive, trade-exposed facility's carbon intensity has been materially affected so that these abnormal operating periods are either excluded or otherwise considered in the establishment of the compliance period carbon intensity benchmarks.

(4)(a) By December 1, 2026, the department shall provide a report to the appropriate committees of the senate and house of representatives that describes alternative methods for determining the amount and a schedule of allowances to be provided to facilities owned or operated by each covered entity designated as an emissions-intensive, trade-exposed facility from January 1, 2035, through January 1, 2050. The report must include a review of global best practices in ensuring against emissions leakage and economic harm to businesses in carbon pricing programs and describe alternative methods of emissions performance benchmarking and mass-based allocation of no cost allowances. At a minimum, the department must evaluate benchmarks based on both carbon intensity and mass, as well as the use of best available technology as a method for compliance. In developing the report, the department shall form an advisory group that includes representatives of the manufacturers listed in subsection (1) of this section.

(b) If the legislature does not adopt a compliance obligation for emissions-intensive, trade-exposed facilities by December 1, 2027, those facilities must continue to receive allowances as provided in the third four-year compliance period that begins January 1, 2031.

(5) If the actual emissions of an emissions-intensive, trade-exposed facility exceed the facility's no cost allowances assigned for that compliance period, it must acquire additional compliance instruments such that the total compliance instruments transferred to its compliance account consistent with section 22 of this act equals emissions during the compliance period. An emissions-intensive, trade-exposed facility must be allowed to bank unused allowances, including for future sale and investment in best available technology when economically feasible. The department shall limit the use of offset credits for compliance by an emissions-intensive, trade-exposed facility, such that the quantity of no cost allowances plus the provision of offset credits does not exceed 100 percent of the facility's total compliance obligation over a compliance period.

(6) The department must withhold or withdraw the relevant share of allowances allocated to a covered entity under this section in the event that the covered entity ceases production in the state and becomes a closed facility. In the event an entity curtails all production and becomes a curtailed facility, the allowances are retained but cannot be traded, sold, or transferred

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and are still subject to the emission reduction requirements specified in this section. An owner or operator of a curtailed facility may transfer the allowances to a new operator of the facility that will be operated under the same North American industry classification system codes. If the curtailed facility becomes a closed facility, then all unused allowances will be transferred to the emissions containment reserve. A curtailed facility is not eligible to receive free allowances during a period of curtailment. Any allowances withheld or withdrawn under this subsection must be transferred to the emissions containment reserve.

(7) An owner or operator of more than one facility receiving no cost allowances under this section may transfer allowances among the eligible facilities.

(8) Rules adopted by the department under this section must include protocols for allocating allowances at no cost to an eligible facility built after the effective date of this section. The protocols must include consideration of the products and criteria pollutants being produced by the facility, as well as the local environmental and health impacts associated with the facility. For a facility that is built on tribal lands or is determined by the department to impact tribal lands and resources, the protocols must be developed in consultation with the affected tribal nations.

NEW SECTION. Sec. 14. ALLOCATION OF ALLOWANCES TO ELECTRIC UTILITIES. (1) The legislature intends by this section to allow all consumer-owned electric utilities and investor-owned electric utilities subject to the requirements of chapter 19.405 RCW, the Washington clean energy transformation act, to be eligible for allowance allocation as provided in this section in order to mitigate the cost burden of the program on electricity customers.

(2)(a) By October 1, 2022, the department shall adopt rules, in consultation with the department of commerce and the utilities and transportation commission, establishing the methods and procedures for allocating allowances for consumer-owned and investor-owned electric utilities. The rules must take into account the cost burden of the program on electricity customers.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the first compliance period for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the first compliance period.

(c) By October 1, 2026, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances for the second compliance period at no cost to consumer-owned and investor-owned electric utilities. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of covered entities in the second compliance period. The allowances included in this schedule must reflect the increased scope of coverage in the electricity sector relative to the program budget of allowances established in 2022.

(d) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the department of commerce and the utilities and transportation commission, for the provision of allowances at no cost to consumer-owned and investor-owned electric utilities for the compliance periods

contained within calendar years 2031 through 2045. This allocation must be consistent with a forecast, that is approved by the appropriate governing board or the utilities and transportation commission, of each utility's supply and demand, and the cost burden resulting from the inclusion of the covered entities in the compliance periods. The rule developed under this subsection (2)(d) may prescribe an amount of allowances allocated at no cost that must be consigned to auction by consumer-owned and investor-owned electric utilities. However, utilities may use allowances for compliance equal to their covered emissions in any calendar year they were not subject to potential penalty under RCW 19.405.090. Under no circumstances may utilities receive any free allowances after 2045.

(3)(a) During the first compliance period, allowances allocated at no cost to consumer-owned and investor-owned electric utilities may be consigned to auction for the benefit of ratepayers, deposited for compliance, or a combination of both. The rules adopted by the department under subsection (2) of this section must include provisions for directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, must adopt rules governing the amount of allowances allocated at no cost under subsection (2)(c) of this section that must be consigned to auction. For calendar year 2030, electric utilities may use allowances for compliance equal to their covered emissions if not subject to potential penalty under RCW 19.405.090.

(4) The benefits of all allowances consigned to auction under this section must be used by consumer-owned and investor-owned electric utilities for the benefit of ratepayers, with the first priority the mitigation of any rate impacts to low-income customers.

(5) If an entity is identified by the department as an emissions-intensive, trade-exposed industry under section 13 of this act, unless allowances have been otherwise allocated for electricity-related emissions to the entity under section 13 of this act or to a consumer-owned utility under this section, the department shall allocate allowances at no cost to the electric utility or power marketing administration that is providing electricity to the entity in an amount equal to the forecasted emissions for electricity consumption for the entity for the compliance period.

(6) The department shall allow for allowances to be transferred between a power marketing administration and electric utilities and used for direct compliance.

(7) Rules establishing the allocation of allowances to consumer-owned utilities and investor-owned utilities must consider the impact of electrification of buildings, transportation, and industry on the electricity sector.

(8) Nothing in this section affects the requirements of chapter 19.405 RCW.

(9) A consumer-owned utility that is party to a contract that meets the following conditions must be issued allowances under this section for emissions associated with imported electricity, in order to prevent impairment of the value of the contract to either party:

(a) The contract does not address compliance costs imposed upon the consumer-owned utility by the program created in this chapter; and

(b) The contract was in effect as of the effective date of this section and expires no later than the end of the first compliance period.

NEW SECTION. Sec. 15. ALLOCATION OF ALLOWANCES TO NATURAL GAS UTILITIES. (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 section 9 of this act. 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 the effective date of this section. Bill credits may not be provided to customers of the gas utility at a location connected to the system after the effective date of this section.

(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 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 by RCW 70A.15.2200(5) as part of the greenhouse gas reporting requirements of this chapter.

NEW SECTION. Sec. 16. EMISSIONS CONTAINMENT RESERVE WITHHOLDING. (1) To help ensure that the price of allowances remains sufficient to incentivize reductions in greenhouse gas emissions, the department must establish an emissions containment reserve and set an emissions containment reserve trigger price by rule. The price must be set at a reasonable amount above the auction floor price and equal to the level established in jurisdictions with which the department has entered into a linkage agreement. In the event that a jurisdiction with which the department has entered into a linkage agreement has no emissions containment trigger price, the department shall suspend the trigger price under this subsection. The purpose of withholding allowances in the emissions containment reserve is to secure additional emissions reductions.

(2) In the event that the emissions containment reserve trigger price is met during an auction, the department must automatically withhold allowances as needed. The department must convert and transfer any allowances that have been withheld from auction into the emissions containment reserve account.

(3) Emissions containment reserve allowances may only be withheld from an auction if the demand for allowances would result in an auction clearing price that is less than the emissions containment reserve trigger price prior to the withholding from the auction of any emissions containment reserve allowances.

(4) The department shall transfer allowances to the emissions containment reserve in the following situations:

(a) No less than two percent of the total number of allowances available from the allowance budgets for calendar years 2023 through 2026;

(b) When allowances are unsold in auctions under section 12 of this act;

(c) When facilities curtail or close consistent with section 13(6) of this act; or

(d) When facilities fall below the emissions threshold. The amount of allowances withdrawn from the program budget must be proportionate to the amount of emissions such a facility was previously using.

(5)(a) Allowances must be distributed from the emissions containment reserve by auction when new covered and opt-in entities enter the program.

(b) Allowances equal to the greenhouse gas emissions resulting from a new or expanded emissions-intensive, trade-exposed facility with emissions in excess of 25,000 metric tons per year during the first applicable compliance period will be provided to the facility from the reserve created in this section and must be retired by the facility. In subsequent compliance periods, the facility will be subject to the regulatory cap and related requirements under this chapter.

NEW SECTION. Sec. 17. ALLOWANCE PRICE CONTAINMENT. (1) To help minimize allowance price volatility in the auction, the department shall adopt by rule an auction floor price and a schedule for the floor price to increase by a predetermined amount every year. The department may not sell allowances at bids lower than the auction floor price. The department's rules must specify holding limits that determine the maximum number of allowances that may be held for use or trade by a registered entity at any one time. The department shall also establish an auction ceiling price to limit extraordinary prices and to determine when to offer allowances through the allowance price containment reserve auctions authorized under this section.

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(2) For calendar years 2023 through 2026, the department must place no less than two percent of the total number of allowances available from the allowance budgets for those years in an allowance price containment reserve. The reserve must be designed as a mechanism to assist in containing compliance costs for covered and opt-in entities in the event of unanticipated high costs for compliance instruments.

(3)(a) The department shall adopt rules for holding auctions of allowances from the price containment reserve when the settlement prices in the preceding auction approach the adopted auction ceiling price. The auction must be separate from auctions of other allowances.

(b) Allowances must also be distributed from the allowance price containment reserve by auction when new covered and opt-in entities enter the program and allowances in the emissions containment reserve under section 16 of this act are exhausted.

(4) Only covered and opt-in entities may participate in the auction of allowances from the allowance price containment reserve.

(5) The process for reserve auctions is the same as the process provided in section 12 of this act and the proceeds from reserve auctions must be treated the same.

(6) The department shall by rule:

(a) Set the reserve auction floor price in advance of the reserve auction. The department may choose to establish multiple price tiers for the allowances from the reserve;

(b) Establish the requirements and schedule for the allowance price containment reserve auctions; and

(c) Establish the amount of allowances to be placed in the allowance price containment reserve after the first compliance period ending in 2026.

NEW SECTION. Sec. 18. PRICE CEILING. (1) The department shall establish a price ceiling to provide cost protection for facilities obligated to comply with this chapter. The ceiling must be set at a level sufficient to facilitate investments to achieve further emission reductions beyond those enabled by the price ceiling, with the intent that investments accelerate the state's achievement of greenhouse gas limits established under RCW 70A.45.020. The price ceiling must increase annually in proportion to the price floor.

(2) In the event that no allowances remain in the allowance price containment reserve, the department must issue the number of price ceiling units for sale sufficient to provide cost protection for facilities as established under subsection (1) of this section. Purchases must be limited to entities that do not have sufficient eligible compliance instruments in their holding and compliance accounts for the next compliance period and these entities may only purchase what they need to meet their compliance obligation for the current compliance period. Price ceiling units may not be sold or transferred and must be retired for compliance in the current compliance period. A price ceiling unit is not a property right.

(3) Funds raised in connection with the sale of price ceiling units must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur.

NEW SECTION. Sec. 19. OFFSETS. (1) The department shall adopt by rule the protocols for establishing offset projects and securing offset credits that may be used to meet a portion of a covered or opt-in entity's compliance obligation under section 22 of this act. The protocols adopted by the department under this

section must align with the policies of the state established under RCW 70A.45.090 and 70A.45.100.

(2) Offset projects must:

(a) Provide direct environmental benefits to the state or be located in a jurisdiction with which Washington has entered into a linkage agreement;

(b) Result in greenhouse gas reductions or removals that:

(i) Are real, permanent, quantifiable, verifiable, and enforceable; and

(ii) Are in addition to greenhouse gas emission reductions or removals otherwise required by law and other greenhouse gas emission reductions or removals that would otherwise occur; and

(c) Have been certified by a recognized registry after the effective date of this section or within two years prior to the effective date of this section.

(3)(a) A total of no more than five percent of a covered or opt-in entity's compliance obligation during the first compliance period may be met by transferring offset credits. During these years, at least 50 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state.

(b) A total of no more than four percent of a covered or opt-in entity's compliance obligation during the second compliance period may be met by transferring offset credits. During these years, at least 75 percent of a covered or opt-in entity's compliance obligation satisfied by offset credits must be sourced from offset projects that provide direct environmental benefits in the state. The department may reduce the 75 percent requirement if it determines there is not sufficient offset supply in the state to meet offset demand during the second compliance period.

(c) The limits in (a) and (b) of this subsection may be modified by rule as adopted by the department when appropriate to ensure achievement of the proportionate share of statewide emissions limits established in RCW 70A.45.020 and to provide for alignment with other jurisdictions to which the state has linked.

(d) The limits in (a) and (b) of this subsection may be reduced for a specific covered or opt-in entity if the department determines, in consultation with the environmental justice council, that the covered or opt-in entity has or is likely to:

(i) Contribute substantively to cumulative air pollution burden in an overburdened community as determined by criteria established by the department, in consultation with the environmental justice council; or

(ii) Violate any permits required by any federal, state, or local air pollution control agency where the violation may result in an increase in emissions.

(e) An offset project on federally recognized tribal land does not count against the offset credit limits described in (a) and (b) of this subsection. No more than three percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the first compliance period. No more than two percent of a covered or opt-in entity's compliance obligation may be met by transferring offset credits from projects on federally recognized tribal land during the second compliance period.

(4) In adopting protocols governing offset projects and covered and opt-in entities' use of offset credits, the department shall:

(a) Take into consideration standards, rules, or protocols for offset projects and offset credits established by other states, provinces, and countries with programs comparable to the program established in this chapter;

(b) Encourage opportunities for the development of offset projects in this state by adopting offset protocols that may include, but need not be limited to, protocols that make use of

aggregation or other mechanisms to reduce transaction costs related to the development of offset projects and that support the development of carbon dioxide removal projects;

(c) Adopt a process for monitoring and invalidating offset credits as necessary to ensure the credit reflects emission reductions or removals that continue to meet the standards required by subsection (1) of this section. If an offset credit is invalidated, the covered or opt-in entity must, within six months of the invalidation, transfer replacement credits or allowances to meet its compliance obligation. Failure to transfer the required credits or allowances is a violation subject to penalties as provided in section 23 of this act; and

(d) Make use of aggregation or other mechanisms, including cost-effective inventory and monitoring provisions, to increase the development of offset and carbon removal projects by landowners across the broadest possible variety of types and sizes of lands, including lands owned by small forestland owners.

(5) Any offset credits used may not be in addition to or allow for an increase in the emissions limits established under RCW 70A.45.020, as reflected in the annual allowance budgets developed under section 9 of this act.

(6) The offset credit must be registered and tracked as a compliance instrument.

(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process.

NEW SECTION. Sec. 20. ASSISTANCE PROGRAM FOR OFFSETS ON TRIBAL LANDS. (1) In order to ensure that a sufficient number of high quality offset projects are available under the limits set in section 19 of this act, the department must establish an assistance program for offset projects on federally recognized tribal lands in Washington. The assistance may include, but is not limited to, funding or consultation for federally recognized tribal governments to assess a project's technical feasibility, investment requirements, development and operational costs, expected returns, administrative and legal hurdles, and project risks and pitfalls. The department may provide funding or assistance upon request by a federally recognized tribe.

(2) It is the intent of the legislature that not less than \$5,000,000 be provided in the biennial omnibus operating appropriations act for the purposes of this section.

NEW SECTION. Sec. 21. SMALL FORESTLAND OWNER WORK GROUP. (1) The department of natural resources must contract with an eligible entity capable of providing public value to the state through the establishment and implementation of a small forestland owner work group. The purpose of the work group is to forward the goals and implementation of this chapter by identifying possible carbon market opportunities including, but not limited to, the provision of offset credits that qualify under section 19 of this act, and other incentive-based greenhouse gas reduction programs that Washington landowners may be able to access, including compliance markets operated by other jurisdictions, voluntary markets, and federal, state, and private programs for forestlands that can be leveraged to achieve carbon reductions.

(2) The work group established by the eligible entity under this section must:

(a) Provide recommendations for the implementation and funding of a pilot program to develop an aggregator account that will pursue carbon offset projects for small forestland owners in Washington state, including recommendations based on programs established in other jurisdictions;

(b) Coordinate with the department on the development of offset protocols related to landowners under section 19(4)(d) of this act;

(c) Develop a framework and funding proposals for establishing a program to link interested small forestland owners with incentive-based carbon reducing programs that facilitate adoption of forest practices that increase carbon storage and sequestration in forests and wood products. The framework may include:

(i) Identifying areas of coordination and layering among state, federal, and private landowner incentive programs and identifying roadblocks to better scalability;

(ii) Assisting landowners with access to feasibility analyses, market applications, stand inventories, pilot project support, and other services to reduce the transaction costs and barriers to entry to carbon markets or carbon incentive programs; and

(iii) Sharing information with private and other landowners about best practices employed to increase carbon storage and access to incentive programs; and

(d) Recommend policies to support the implementation of incentives for participation in carbon markets.

(3) The work group must transmit a final report to the department by December 1, 2022, that provides recommendations for incentives, the implementation of incentives, and payment structures necessary to support small forest landowners and any recommendations around extending the work group or making the work group permanent. The department must submit the final report to the legislature, in compliance with RCW 43.01.036, by December 31, 2022.

(4) For the purposes of this section, "eligible entity" means a nonprofit entity solely based in Washington that can demonstrate a membership of at least 1000 small forestland owners and that has, as part of its mission, the promotion of the sustainable stewardship of family forestlands.

(5) This section expires July 1, 2023.

NEW SECTION. Sec. 22. COMPLIANCE OBLIGATIONS. (1) A covered or opt-in entity has a compliance obligation for its emissions during each four-year compliance period, with the first compliance period commencing January 1, 2023, except when the first compliance period commences at a later date as provided in subsection (7) of this section. A covered or opt-in entity shall transfer a number of compliance instruments equal to the entity's covered emissions by November 1st of each calendar year in which a covered or opt-in entity has a compliance obligation. The department shall set by rule a percentage of compliance instruments that must be transferred in each year of the compliance period such that covered or opt-in entities are allowed to smooth their compliance obligation within the compliance period but must fully satisfy their compliance obligation over the course of the compliance period, in a manner similar to external greenhouse gas emissions trading programs in other jurisdictions. In meeting a given compliance obligation, a covered or opt-in entity may use allowances issued in that compliance year, or allowances issued in any of the seven years immediately preceding that compliance year.

(2) Compliance occurs through the transfer of compliance instruments or price ceiling units, on or before the transfer date, from the holding account to the compliance account of the covered or opt-in entity as described in section 10 of this act.

(3)(a) A covered entity with a facility eligible for use of price ceiling units under section 18 of this act may substitute the submission of compliance instruments with price ceiling units.

(b) A covered or opt-in entity submitting insufficient compliance instruments to meet its compliance obligation is subject to a penalty as provided in section 23 of this act.

(4) Older vintage allowances must be retired before newer vintage allowances.

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(5) A covered or opt-in entity may not borrow an allowance from a future allowance year to meet a current or past compliance obligation.

(6) Upon receipt by the department of all compliance instruments transferred by a covered entity or opt-in entity to meet its compliance obligation, the department shall retire the allowances or offset credits.

(7)(a) In order to coordinate and synchronize the cap and invest program established under this chapter with other transportation-related investments, this section does not take effect until a separate additive transportation revenue act becomes law, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation revenue act" means an act, enacted after April 1, 2021, in which the state fuel tax under RCW 82.38.030 is increased by an additional and cumulative tax rate of at least five cents per gallon of fuel.

NEW SECTION. Sec. 23. ENFORCEMENT. (1) All covered and opt-in entities are required to submit compliance instruments in a timely manner to meet the entities' compliance obligations and shall comply with all requirements for monitoring, reporting, holding, and transferring emission allowances and other provisions of this chapter.

(2) If a covered or opt-in entity does not submit sufficient compliance instruments to meet its compliance obligation by the specified transfer dates, a penalty of four allowances for every one compliance instrument that is missing must be submitted to the department within six months. When a covered entity or opt-in entity reasonably believes that it will be unable to meet a compliance obligation, the entity shall immediately notify the department. Upon receiving notification, the department shall issue an order requiring the entity to submit the penalty allowances.

(3) If a covered entity or opt-in entity fails to submit penalty allowances as required by subsection (2) of this section, the department must issue an order or issue a penalty of up to \$10,000 per day per violation, or both, for failure to submit penalty allowances as required by subsection (2) of the section. The order may include a plan and schedule for coming into compliance.

(4) The department may issue a penalty of up to \$50,000 per day per violation for violations of section 12(8) (a) through (e) of this act.

(5) Except as provided in subsections (3) and (4) of this section, any person that violates the terms of this chapter or an order issued under this chapter incurs a penalty of up to \$10,000 per day per violation for each day that the person does not comply. All penalties under subsections (3) and (4) of this section and this subsection must be deposited into the climate investment account created in section 28 of this act.

(6) Orders and penalties issued under this chapter are appealable to the pollution control hearings board under chapter 43.21B RCW.

(7) For the first compliance period, the department may reduce the amount of the penalty by adjusting the monetary amount or the number of penalty allowances described in subsections (2) and (3) of this section.

(8) An electric utility or natural gas utility must notify its retail customers and the environmental justice council in published form within three months of paying a monetary penalty under this section.

(9)(a) No city, town, county, township, or other subdivision or municipal corporation of the state may implement a charge or tax based exclusively upon the quantity of greenhouse gas emissions.

(b) No state agency may adopt or enforce a program that regulates greenhouse gas emissions from a stationary source except as provided in this chapter.

(c) This chapter preempts the provisions of chapter 173-442 WAC.

NEW SECTION. Sec. 24. LINKAGE WITH OTHER JURISDICTIONS. (1) Subject to making the findings and conducting the public comment process described in subsection (3) of this section, the department shall seek to enter into linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs in order to:

(a) Allow for the mutual use and recognition of compliance instruments issued by Washington and other linked jurisdictions;

(b) Broaden the greenhouse gas emission reduction opportunities to reduce the costs of compliance on covered entities and consumers;

(c) Enable allowance auctions to be held jointly and provide for the use of a unified tracking system for compliance instruments;

(d) Enhance market security;

(e) Reduce program administration costs; and

(f) Provide consistent requirements for covered entities whose operations span jurisdictional boundaries.

(2) The director of the department is authorized to execute linkage agreements with other jurisdictions with external greenhouse gas emissions trading programs consistent with the requirements in this chapter. A linkage agreement must cover the following:

(a) Provisions relating to regular, periodic auctions, including requirements for eligibility for auction participation, the use of a single auction provider to facilitate joint auctions, publication of auction-related information, processes for auction participation, purchase limits by auction participant type, bidding processes, dates of auctions, and financial requirements;

(b) Provisions related to holding limits to ensure no entities in any of the programs are disadvantaged relative to their counterparts in the other jurisdictions;

(c) Other requirements, such as greenhouse gas reporting and verification, offset protocols, criteria and process, and supervision and enforcement, to prevent fraud, abuse, and market manipulation;

(d) Common program registry, electronic auction platform, tracking systems for compliance instruments, and monitoring of compliance instruments;

(e) Provisions to ensure coordinated administrative and technical support;

(f) Provisions for public notice and participation; and

(g) Provisions to collectively resolve differences, amend the agreements, and delink or otherwise withdraw from the agreements.

(3) Before entering into a linkage agreement under this section, the department must evaluate and make a finding regarding whether the aggregate number of unused allowances in a linked program would reduce the stringency of Washington's program and the state's ability to achieve its greenhouse gas emissions reduction limits. The department must include in its evaluation a consideration of pre-2020 unused allowances that may exist in the program with which it is proposing to link. Before entering into a linkage agreement, the department must also establish a finding that the linking jurisdiction and the linkage agreement meet certain criteria identified under this subsection and conduct a public comment process to obtain input and a review of the linkage agreement by relevant stakeholders and other interested parties. The department must consider input received from the public comment process before finalizing a linkage agreement. In the event that the department determines that a full linkage

agreement is unlikely to meet the criteria, it may enter into a linkage agreement with limitations, including limits on the share of compliance that may be met with allowances originating from linked jurisdictions and other limitations deemed necessary by the department. A linkage agreement approved by the department must:

(a) Achieve the purposes identified in subsection (1) of this section;

(b) Ensure that the linking jurisdiction has provisions to ensure the distribution of benefits from the program to vulnerable populations and overburdened communities;

(c) Be determined by the department to not yield net adverse impacts to either jurisdictions' highly impacted communities or analogous communities in the aggregate, relative to the baseline level of emissions; and

(d) Not adversely impact Washington's ability to achieve the emission reduction limits established in RCW 70A.45.020.

(4) The state retains all legal and policymaking authority over its program design and enforcement.

NEW SECTION. Sec. 25. RULES. The department shall adopt rules to implement the provisions of the program established in sections 8 through 24 of this act. The department may adopt emergency rules pursuant to RCW 34.05.350 for initial implementation of the program, to implement the state omnibus appropriations act for the 2021-2023 fiscal biennium, and to ensure that reporting and other program requirements are determined early for the purpose of program design and early notice to registered entities with a compliance obligation under the program.

NEW SECTION. Sec. 26. EXPENDITURE TARGETS. (1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in section 27 of this act, the climate commitment account created in section 29 of this act, the natural climate solutions account created in section 30 of this act, and the air quality and health disparities improvement account created in section 31 of this act, achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter . . . , Laws of 2021 (Engrossed Second Substitute Senate Bill No. 5141); and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of highly impacted communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to section 5 of this act.

(5) No expenditures may be made from the carbon emissions reduction account created in section 27 of this act, the climate investment account created in section 28 of this act, or the air quality and health disparities improvement account created in section 31 of this act if, by April 1, 2023, the legislature has not considered and enacted request legislation brought forth by the department under section 8 of this act that outlines a compliance pathway specific to emissions-intensive, trade-exposed businesses for achieving their proportionate share of the state's emissions reduction limits through 2050.

NEW SECTION. Sec. 27. CARBON EMISSIONS REDUCTION ACCOUNT. The carbon emissions reduction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to affect reductions in transportation sector carbon emissions through a variety of carbon reducing investments. These can include, but are not limited to: Transportation alternatives to single occupancy passenger vehicles; reductions in single occupancy passenger vehicle miles traveled; reductions in per mile emissions in vehicles, including through the funding of alternative fuel infrastructure and incentive programs; and emission reduction programs for freight transportation, including motor vehicles and rail, as well as for ferries and other maritime and port activities. Expenditures from the account may only be made for transportation carbon emission reducing purposes and may not be made for highway purposes authorized under the 18th Amendment of the Washington state Constitution, other than specified in this section. It is the legislature's intent that expenditures from the account used to reduce carbon emissions be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

NEW SECTION. Sec. 28. CLIMATE INVESTMENT ACCOUNT. (1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in this act, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total receipt of funds from allowance auction proceeds under this

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chapter. Beginning July 1, 2024, and annually thereafter, the state treasurer shall distribute funds in the account as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in section 29 of this act; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in section 30 of this act.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

NEW SECTION. Sec. 29. CLIMATE COMMITMENT ACCOUNT. (1) The climate commitment account is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in section 28 of this act. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

(a) Implementing the working families tax rebate in RCW 82.08.0206;

(b) Supplementing the growth management planning and environmental review fund established in RCW 36.70A.490 for the purpose of making grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and 36.70A.600, for costs associated with RCW 36.70A.610, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420;

(c) Programs, activities, or projects that reduce and mitigate impacts from greenhouse gases and copollutants in overburdened communities, including strengthening the air quality monitoring network to measure, track, and better understand air pollution levels and trends and to inform the analysis, monitoring, and pollution reduction measures required in section 3 of this act;

(d) Programs, activities, or projects that deploy renewable energy resources, such as solar and wind power, and projects to deploy distributed generation, energy storage, demand-side technologies and strategies, and other grid modernization projects;

(e) Programs, activities, or projects that increase the energy efficiency or reduce greenhouse gas emissions of industrial facilities including, but not limited to, proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade the energy efficiency of existing equipment, to reduce process emissions, and to switch to less emissions intensive fuel sources;

(f) Programs, activities, or projects that achieve energy efficiency or emissions reductions in the agricultural sector including:

(i) Fertilizer management;

(ii) Soil management;

(iii) Bioenergy;

(iv) Biofuels;

(v) Grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations;

(vi) Grants, loans, or any financial incentives to food processors to implement projects that reduce greenhouse gas emissions;

(vii) Renewable energy projects;

(viii) Farmworker housing weatherization programs;

(ix) Dairy digester research and development;

(x) Alternative manure management; and

(xi) Eligible fund uses under RCW 89.08.615;

(g) Programs, activities, or projects that increase energy efficiency in new and existing buildings, or that promote low-carbon architecture, including use of newly emerging alternative building materials that result in a lower carbon footprint in the built environment over the life cycle of the building and component building materials;

(h) Programs, activities, or projects that promote the electrification and decarbonization of new and existing buildings, including residential, commercial, and industrial buildings;

(i) Programs, activities, or projects that improve energy efficiency, including district energy, and investments in market transformation of high efficiency electric appliances and equipment for space and water heating;

(j) Clean energy transition and assistance programs, activities, or projects that assist affected workers or people with lower incomes during the transition to a clean energy economy, or grow and expand clean manufacturing capacity in communities across Washington state including, but not limited to:

(i) Programs, activities, or projects that directly improve energy affordability and reduce the energy burden of people with lower incomes, as well as the higher transportation fuel burden of rural residents, such as bill assistance, energy efficiency, and weatherization programs;

(ii) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost;

(iii) Programs, activities, or other worker-support projects for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. Worker support may include, but is not limited to: (A) Full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; (B) full wage replacement, health benefits, and pension contributions for every worker with at least one year of service for each year of service up to five years of service; (C) wage insurance for up to five years for workers reemployed who have more than five years of service; (D) up to two years of retraining costs, including tuition and related costs, based on in-state community and technical college costs; (E) peer counseling services during transition; (F) employment placement services, prioritizing employment in the clean energy sector; and (G) relocation expenses;

(iv) Direct investment in workforce development, via technical education, community college, institutions of higher education, apprenticeships, and other programs including, but not limited to:

(A) Initiatives to develop a forest health workforce established under RCW 76.04.--- (section 5, chapter . . ., Laws of 2021 (Second Substitute House Bill No. 1168)); and

(B) Initiatives to develop new education programs, emerging fields, or jobs pertaining to the clean energy economy;

(v) Transportation, municipal service delivery, and technology investments that increase a community's capacity for clean manufacturing, with an emphasis on communities in greatest need of job creation and economic development and potential for commute reduction;

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, or other means;

(l) Carbon dioxide removal projects, programs, and activities; and

(m) Activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located

in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change. The legislature intends to dedicate at least \$50,000,000 per biennium from the account for purposes of this subsection.

(2) Moneys in the account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. Sec. 30. NATURAL CLIMATE SOLUTIONS ACCOUNT. (1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in section 28 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than \$10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. Sec. 31. AIR QUALITY AND HEALTH DISPARITIES IMPROVEMENT ACCOUNT. (1) The air quality and health disparities improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account are intended to:

(a) Improve air quality through the reduction of criteria pollutants, including through effective air quality monitoring and the establishment of adequate baseline emissions data; and

(b) Reduce health disparities in overburdened communities by improving health outcomes through the reduction or elimination of environmental harms and the promotion of environmental benefits.

(2) Moneys in the account may be used for either capital budget or transportation budget purposes, or both. Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from the account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

(3) It is the intent of the legislature that not less than \$20,000,000 per biennium be dedicated to the account for the purposes of the account.

NEW SECTION. Sec. 32. (1) By December 1, 2029, the joint legislative audit and review committee must analyze the impacts of the initial five years of program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at a minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries that are covered entities. The categories of industries assessed must include, but are not limited to, electric utilities, natural gas utilities, oil refineries, and other industries classified as emissions-intensive and trade-exposed;

(b) An evaluation of the information provided by the department in its 2027 program evaluation under section 9(3) of this act;

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(c) A summary of the estimated total statewide costs and benefits attributable to the program, including state agency administrative costs and covered entity compliance costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the program; and

(d) An evaluation of the impacts of the program on low-income households.

(2) This section expires June 30, 2030.

Sec. 33. RCW 70A.15.2200 and 2020 c 20 s 1090 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70A.45.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70A.45.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account.

All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring persons to report emissions of greenhouse gases as defined in RCW 70A.45.010 where those emissions from a single facility, ~~((source, or site,))~~ or from electricity or fossil fuels sold in Washington by a single supplier or local distribution company, meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The ~~((department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012))~~ rules adopted by the department must support implementation of the program created in section 8 of this act. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass; and

(ii) ~~((Reporting will start in 2010 for 2009 emissions.))~~ Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by ~~((October))~~ March 31st of the year in which the report is due. ~~((However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States environmental protection agency must be the emissions data reported to the department; and~~

(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or

~~exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary and confidential information is protected if the departments share reported information. Any proprietary or confidential information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision.)~~

~~(b)(i) ((Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.~~

~~(ii)) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70A.45.010 only if the gas has been designated as a greenhouse gas by the United States congress ((or)), by the United States environmental protection agency, or included in external greenhouse gas emission trading programs with which Washington has pursuant to section 24 of this act. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70A.45.010, the department shall notify the appropriate committees of the legislature. ((Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.~~

~~(iii)) (ii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.~~

~~((iv)) (iii) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.~~

~~(c)(i) The department shall review and if necessary update its rules whenever ((the)):~~

~~(A) The United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases; or~~

~~(B) Needed to ensure consistency with emissions reporting requirements for jurisdictions with which Washington has entered a linkage agreement. ((However, the))~~

~~(ii) The department shall not amend its rules in a manner that conflicts with ((a) of) this ((subsection)) section.~~

~~(d) The department shall share any reporting information reported to it with the local air authority in which the person reporting under the rules adopted by the department operates.~~

~~(e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements ((unless it approves a local air authority's request to enforce the requirements for persons operating within the authority's jurisdiction. However,~~

~~neither the department nor a local air authority approved under this section are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department adopts its reporting rule in 2010)).~~ When a person that holds a compliance obligation under section 10 of this act fails to submit an emissions data report or fails to obtain a positive emissions data verification statement in accordance with (g)(ii) of this subsection, the department may assign an emissions level for that person.

~~(f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.~~

~~(g)(i) The ((inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in state, regional, or national greenhouse gas reduction programs or strategies. Furthermore, aircraft fuel purchased in the state may not be considered equivalent to aircraft fuel combusted in the state)) department must establish by rule the methods of verifying the accuracy of emissions reports.~~

~~(ii) Verification requirements apply at a minimum to persons required to report under (a) of this subsection with emissions that equal or exceed 25,000 metric tons of carbon dioxide equivalent emissions, including carbon dioxide from biomass-derived fuels, or to persons who have a compliance obligation under section 10 of this act in any year of the current compliance period. The department may adopt rules to accept verification reports from another jurisdiction with a linkage agreement pursuant to section 20 of this act in cases where the department deems that the methods or procedures are substantively similar.~~

~~(h)(i) The definitions in RCW 70A.45.010 apply throughout this subsection (5) unless the context clearly requires otherwise.~~

~~(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) ((A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010)) Suppliers that produce, import, or deliver, or any combination of producing, importing, or delivering, a quantity of fuel products in Washington that, if completely combusted, oxidized, or used in other processes, would result in the release of greenhouse gases in Washington equivalent to or higher than the threshold established under (a) of this subsection; and (B) suppliers of carbon dioxide that produce, import, or deliver a quantity of carbon dioxide in Washington that, if released, would result in emissions equivalent to or higher than the threshold established under (a) of this subsection.~~

~~(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator((, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier)) of a facility; (B) a supplier; or (C) an electric power entity.~~

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(iv) For the purpose of this subsection (5), the term "facility" includes facilities that directly emit greenhouse gases in Washington equivalent to the threshold established under (a) of this subsection with at least one source category listed in the United States environmental protection agency's mandatory greenhouse gas reporting regulation, 40 C.F.R. Part 98 Subparts C through II and RR through UU, as adopted on April 25, 2011.

(v) For the purpose of this subsection (5), the term "electric power entity" includes any of the following that supply electric power in Washington with associated emissions of greenhouse gases equal to or above the threshold established under (a) of this subsection: (A) Electricity importers and exporters; (B) retail providers, including multijurisdictional retail providers; and (C) first jurisdictional deliverers, as defined in section 2 of this act, not otherwise included here.

NEW SECTION. Sec. 34. A new section is added to chapter 43.21C RCW to read as follows:

The review under this chapter of greenhouse gas emissions from a new or expanded facility subject to the greenhouse gas emission reduction requirements of chapter 70A--- RCW (the new chapter created in section 38 of this act) must occur consistent with section 10(9) of this act.

NEW SECTION. Sec. 35. A new section is added to chapter 70A.15 RCW to read as follows:

The department or a local air authority must issue an enforceable order under this chapter, consistent with section 3(2) (b) and (c) of this act, to all permitted or registered sources operating in overburdened communities when, consistent with section 3(2)(a) of this act, the department determines that criteria pollutants are not being reduced in an overburdened community and the department or local air authority adopts stricter air quality standards, emissions standards, or emissions limitations on criteria pollutants.

NEW SECTION. Sec. 36. A new section is added to chapter 70A.45 RCW to read as follows:

The state, state agencies, and political subdivisions of the state, in implementing their duties and authorities established under other laws, may only consider the greenhouse gas limits established in RCW 70A.45.020 in a manner that recognizes, where applicable, that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

NEW SECTION. Sec. 37. This act may be known and cited as the Washington climate commitment act.

NEW SECTION. Sec. 38. Sections 1 through 32 and 37 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 39. (1) Sections 8 through 24 of this act, and any rules adopted by the department of ecology to implement the program established under those sections, are suspended on December 31, 2055, in the event that the department of ecology determines by December 1, 2055, that the 2050 emissions limits of RCW 70A.45.020 have been met for two or more consecutive years.

(2) Upon the occurrence of the events identified in subsection (1) of this section, the department of ecology must provide written notice of the suspension date of sections 8 through 24 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 40. RCW 43.376.020 and 2012 c 122 s 2 are each amended to read as follows:

In establishing a government-to-government relationship with Indian tribes, state agencies must:

(1) Make reasonable efforts to collaborate with Indian tribes in the development of policies, agreements, and program implementation that directly affect Indian tribes and develop a consultation process that is used by the agency for issues involving specific Indian tribes. State agencies described in section 6 of this act must offer consultation with Indian tribes on the actions specified in section 6 of this act;

(2) Designate a tribal liaison who reports directly to the head of the state agency;

(3) Ensure that tribal liaisons who interact with Indian tribes and the executive directors of state agencies receive training as described in RCW 43.376.040; and

(4) Submit an annual report to the governor on activities of the state agency involving Indian tribes and on implementation of this chapter.

Sec. 41. RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

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

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, section 23 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, section 23 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

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

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

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

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

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of

natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

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

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

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

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

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

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

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

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

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

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

Sec. 42. RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, section 23 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

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

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

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

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

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

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney

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

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, section 23 of this act, which shall be credited to the climate investment account created in section 28 of this act, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

Sec. 43. RCW 43.52A.040 and 1984 c 223 s 1 are each amended to read as follows:

(1) Unless removed at the governor's pleasure, councilmembers shall serve a term ending January 15 of the third year following appointment except that, with respect to members initially appointed, the governor shall designate one member to serve a term ending January 15 of the second year following appointment. Initial appointments to the council shall be made within thirty days of March 9, 1981.

(2) Each member shall serve until a successor is appointed, but if a successor is not appointed within sixty days of the beginning of a new term, the member shall be considered reappointed, subject to the consent of the senate.

(3) A vacancy on the council shall be filled for the unexpired term by the governor, with the consent of the senate.

(4) For the first available appointment and at all times thereafter, one member of Washington's delegation to the council shall reside east of the crest of the Cascade Mountains and one member shall reside west of the crest of the Cascade Mountains, except as follows: Both members may reside on the same side of the Cascade Mountains as long as this deviation does not exceed 12 months in any 10-year period.

Sec. 44. RCW 70A.45.005 and 2020 c 120 s 2 and 2020 c 20 s 1397 are each reenacted and 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 enhancing the state's ability

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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.

(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.--- RCW (the new chapter created in section 38 of this act) 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.

NEW SECTION. Sec. 45. 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. 46. (1) The department shall prepare, post on the department website, and submit to the appropriate committees of the legislature an annual report that identifies all distributions of moneys from the accounts created in sections 27 through 31 of this act.

(2) The report must identify, at a minimum, the recipient of the funding, the amount of the funding, the purpose of the funding, the actual end result or use of the funding, whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions, the cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions, and a comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

(3) The department shall require by rule that recipients of funds from the accounts created in sections 27 through 31 of this act report to the department, in a form and manner prescribed by the department, the information required for the department to carry out the department's duties established in this section.

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(4) The department shall update its website with the information described in subsection (2) of this section as appropriate but no less frequently than once per calendar year.

(5) The department shall submit its report to the appropriate committees of the legislature with the information described in subsection (2) of this section no later than September 30 of each year.

NEW SECTION. Sec. 47. RESIDENTIAL HEATING ASSISTANCE PROGRAM. (1) The legislature intends by this section to establish policies to mitigate the cost burden of the program established by this act on consumers who use home heating fuels that are not electricity or natural gas.

(2) The department, in collaboration with interested stakeholders, shall develop a proposal for assisting households that, for residential home heating, use fuels that are not electricity or natural gas. The proposal must give priority to assisting low-income households through weatherization, conservation and efficiency services, and bill assistance.

(3) In the event the department, in collaboration with interested stakeholders, determines that the proposal developed pursuant to subsection (2) of this section requires legislative action, the department shall submit its recommendations for proposed legislation to the appropriate committees of the legislature no later than September 15, 2022."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Carlyle moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5126.

Senators Carlyle, Saldaña, Lias, Salomon, Sheldon, Rolfes and Hobbs spoke in favor of the motion.

Senators Ericksen, Schoesler, Rivers, King, Braun, Fortunato, Wagoner, Short, Warnick, Wilson, J., Brown, Dozier, Padden, Wilson, L. and Holy spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5126.

The motion by Senator Carlyle carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5126 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5126, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5126, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Lovelett,

McCune, Muzzall, Padden, Rivers, Schoesler, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. I would like to bring, something that hopefully will unite the Senate here together. Recently there was an organization the south sound, which was going to host an event, it was a church, to host an event featuring a speaker named Charlie Kirk from Turning Point USA. However, this particular church was inundated with threats of violence and the the quotes actually were that they were threatened, that this group would come down to burn down the properties and the church, and they also brought threats to burn down the neighborhood and threats of physical threats against the church leadership the neighbors the property and basically everybody in the area. So, I have put together a letter urging our executive branch and the attorney general particular to look into this with our state patrol and to make sure that all people of Washington state have the right to free speech, assembly and that no voice there should be silenced. And so I will be a distributing that letter to the various us Senate offices I hope that that people be able to sign on to the letter so we can stand united against this type of intimidation, threats of violence to any place of worship here in Washington state. Thank you, Mr. President."

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor and Wicks)

Providing for an additional revenue source for eviction prevention and housing stability services.

The measure was read the second time.

MOTION

Senator Robinson moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.22 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of \$100 must be charged by the county auditor for each document recorded, which is in addition to any other charge or surcharge allowed by law. The auditor must remit the funds to the state treasurer to be deposited and used as follows:

(a) Twenty percent of funds must be deposited in the affordable housing for all account for operations, maintenance, and service costs for permanent supportive housing as defined in RCW 36.70A.030;

(b) From July 1, 2021, through June 30, 2023, four percent of the funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for the purposes of RCW 43.31.605(1). Thereafter, two percent of funds must be deposited into the landlord mitigation program account created in RCW 43.31.615 for purposes of RCW 43.31.605(1); and

(c) The remainder of funds must be distributed to the home security fund account, with 60 percent of funds to be used for project-based vouchers for nonprofit housing providers and related services and rapid rehousing and acquisition. Priority for use must be given to project-based vouchers and related services, housing acquisition, or emergency housing, for persons who are chronically homeless, including families with children. At least 50 percent of persons receiving a project-based voucher, rapid rehousing, or benefiting from housing acquisition must be living unsheltered at the time of initial engagement. In addition, funds may be used for eviction prevention rental assistance pursuant to section 2 of this act, foreclosure prevention services, dispute resolution center eviction prevention services, rental assistance for people experiencing homelessness, and tenant education and legal assistance.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, or city lien or satisfaction of lien.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185C RCW to read as follows:

(1) The eviction prevention rental assistance program is created in the department to prevent evictions by providing resources to households most likely to become homeless or suffer severe health consequences, or both, after an eviction, while promoting equity by prioritizing households, including communities of color, disproportionately impacted by public health emergencies and by homelessness and housing instability. The department must provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, including rental arrears and future rent if needed to stabilize the applicant's housing and prevent their eviction;

(b) Utility assistance for households if needed to prevent an eviction; and

(c) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Households eligible to receive assistance through the eviction prevention rental assistance program are those:

(a) With incomes at or below 80 percent of the county area median income;

(b) Who are families with children, living in doubled up situations, young adults, senior citizens, and others at risk of homelessness or significant physical or behavioral health complications from homelessness; and

(c) That meet any other eligibility requirements as established by the department after consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties,

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a representative of homeless youth and young adults, and affordable housing advocates.

(3) A landlord may assist an eligible household in applying for assistance through the eviction prevention rental assistance program or may apply for assistance on an eligible household's behalf.

(4)(a) Eligible grantees must actively work with organizations rooted in communities of color to assist and serve marginalized populations within their communities.

(b) At least 10 percent of the grant total must be subgranted to organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications for assistance, rent assistance payments, activities that directly support the goal of improving access to rent assistance for people of color, and related costs. Upon request by an eligible grantee or the county or city in which it exists, the department must provide a list of organizations that serve and are substantially governed by marginalized populations, if known.

(c) An eligible grantee may request an exemption from the department from the requirements under (b) of this subsection. The department must consult with the stakeholder group established under subsection (2)(c) of this section before granting an exemption. An eligible grantee may request an exemption only if the eligible grantee:

(i) Is unable to subgrant with an organization that serves and is substantially governed by marginalized populations; or

(ii) Provides the department with a plan to spend 10 percent of the grant total in a manner that the department determines will improve racial equity for historically underserved communities more effectively than a subgrant.

(5) The department must ensure equity by developing performance measures and benchmarks that promote both equitable program access and equitable program outcomes. Performance measures and benchmarks must be developed by the department in consultation with stakeholder groups, including persons at risk of homelessness due to unpaid rent, representatives of communities of color, homeless service providers, landlord representatives, local governments that administer homelessness assistance, a statewide association representing cities, a statewide association representing counties, a representative of homeless youth and young adults, and affordable housing advocates. Performance measures and benchmarks must also ensure that the race and ethnicity of households served under the program are proportional to the numbers of people at risk of homelessness in each county for each of the following groups:

- (a) Black or African American;
- (b) American Indian and Alaska Native;
- (c) Native Hawaiian or other Pacific Islander;
- (d) Hispanic or Latinx;
- (e) Asian;
- (f) Other multiracial.

(6) The department may develop additional rules, requirements, procedures, and guidelines as necessary to implement and operate the eviction prevention rental assistance program.

(7)(a) The department must award funds under this section to eligible grantees in a manner that is proportional to the amount of revenue collected under section 1 of this act from the county being served by the grantee.

(b) The department must provide counties with the right of first refusal to receive grant funds distributed under this subsection. If a county refuses the funds or does not respond within a time frame established by the department, the department must identify an

alternative grantee. The alternative grantee must distribute the funds in a manner that is in compliance with this chapter.

Sec. 3. RCW 43.185C.045 and 2018 c 85 s 9 are each amended to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

- (i) Emergency shelter;
- (ii) Homelessness prevention and rapid rehousing;
- (iii) Permanent housing;
- (iv) Permanent supportive housing;
- (v) Transitional housing;
- (vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; ~~(and)~~

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311;

(h) A county-level report on the expenditures, performance, and outcomes of the eviction prevention rental assistance program under section 2 of this act. The report must include, but is not limited to:

(i) The number of adults without minor children served in each county;

(ii) The number of households with adults and minor children served in each county; and

(iii) The number of unaccompanied youth and young adults who are being served in each county; and

(i) A county-level report on the expenditures, performance, and outcomes of the rapid rehousing, project-based vouchers, and housing acquisition programs under section 1 of this act. The report must include, but is not limited to:

(i) The number of persons who are unsheltered receiving shelter through a project-based voucher in each county;

(ii) The number of units acquired or built via rapid rehousing and housing acquisition in each county; and

(iii) The number of adults without minor children, households with adults and minor children, unaccompanied youth, and young adults who are being served by the programs under section 1 of this act in each county.

(2) The report required in subsection (1) of this section must be posted to the department's website and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's website. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 4. RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 and section 1 of this act must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter, including the eviction prevention rental assistance program established in section 2 of this act.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, expenditures from the account may also be used for shelter capacity grants.

Sec. 5. RCW 43.185C.190 and 2011 1st sp.s. c 50 s 955 are each amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 and section 1 of this act shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs ~~(-During the 2011-2013 fiscal biennium, moneys in the account may be transferred to the home security fund)~~, including operations, maintenance, and services as described in section 1(1)(a) of this act.

NEW SECTION. Sec. 6. (1)(a) The legislature finds that affordable housing, housing instability, and homelessness are persistent and increasing problems throughout the state. Despite significant increases in financial resources by the federal, state, and local governments to address these problems, homelessness and the risk of becoming homeless has worsened in Washington since the legislature authorized the first homeless housing document recording surcharge in 2005. The number of unsheltered homeless encampments in greenbelts, under bridges,

and on our streets is a visible reminder that the current system is not working.

(b) The legislature finds that the COVID-19 pandemic has exacerbated and shed new light on the state's homelessness problems and forced communities and providers to reexamine the types and delivery of housing and services to individuals and families who are homeless or at risk of homelessness. As a result of the changing conditions COVID-19 created, the federal government has provided an infusion of funding for housing and services for homelessness populations in its COVID-19 relief bills to pursue different strategies to improve outcomes. Moreover, there are various proposals to increase state funding to address housing insecurity and homelessness, including this act to impose an additional document recording fee to fund an eviction prevention rental assistance program and other services to persons at risk or experiencing homelessness.

(c) The legislature also finds that there are many causes of homelessness and housing instability, including: (i) A shortage of affordable housing; (ii) local land use planning and property management policies that discourage the development of private sector housing stock to serve low and extremely low-income households; (iii) unemployment and lack of education and job skills to acquire an adequate wage job; (iv) mental health, developmental, and physical disabilities; (v) chemical and alcohol dependency; and (vi) family instability and conflict. The legislature intends to provide for an examination of the economic, social, and health causes of current and expected patterns of housing instability and homelessness, and to secure a common understanding of the contribution each has to the current crisis. The legislature intends for this examination to result in a widely accepted strategy for identifying how best to address homelessness in ways that: (A) Address the root causes of the problem; (B) clearly assign responsibilities of state and local government to address those causes; (C) support local control and provision of services at the local level to address specific community needs, recognizing each community must play a part in the solution; (D) respect property owner rights and encourage private sector involvement in solutions and service; and (E) develop pathways to permanent housing solutions and associated services to break the cycle of housing insecurity and homelessness.

(2)(a) The department of commerce must contract with the William D. Ruckelshaus center to conduct an examination of trends affecting, and policies guiding, the housing and services provided to individuals and families who are or at risk of homelessness in Washington. The center must also facilitate meetings and discussions to develop and implement a long-term strategy to improve services and outcomes for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions.

(b) In fulfilling the requirements of this section, the center must work and consult with (i) willing participants representing tribal and local governments, local providers of housing and services for homeless populations, advocates and stakeholders representing the interests of homeless populations, mental health and substance abuse professionals, representatives of the business community and other organizations, and other representatives the center determines is a necessary participant to examine these issues; (ii) a group of legislators consisting of one member from each of the two largest caucuses in the senate and in the house of representatives appointed by the president of the senate and the speaker of the house of representatives, respectively; and (iii) three representatives of the executive branch appointed by the governor.

(c)(i) The center must conduct fact-finding and stakeholder discussions with participants identified in (b) of this subsection.

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These discussions must identify stakeholder concerns, barriers, opportunities, and desired principles for a long-term strategy to improve the outcomes and services for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions.

(ii) The center must conduct fact-finding and stakeholder discussions with participants identified in (b) of this subsection to identify root causes of housing instability and homelessness within Washington state. This fact-finding should address root causes demographically within subpopulations of persons at risk or experiencing homelessness such as veterans and persons suffering from mental health or substance abuse issues. The fact-finding should also address root causes that may differ geographically or regionally. The fact-finding must identify existing statutory and regulatory issues that impede efforts to address root causes of housing instability and homelessness within Washington state.

(iii) The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate. One report on the subjects covered in (c)(i) of this subsection is due December 1, 2021, and one on the subjects covered in (c)(ii) of this subsection is due December 1, 2022.

(d) The center must facilitate discussions between the stakeholders identified in this subsection (2) for the purposes of identifying options and recommendations to develop and implement a long-term strategy to improve the outcomes and service for persons at risk or experiencing homelessness and develop pathways to permanent housing solutions, including the manner and amount in which the state funds homelessness housing and services and performance measures that must be achieved to receive state funding. A report on this effort is due to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2023."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.185C.045, 43.185C.060, and 43.185C.190; adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.185C RCW; and creating a new section."

MOTION

Senator Fortunato moved that the following floor amendment no. 839 by Senator Fortunato be adopted:

On page 1, at the beginning of line 6, strike "surcharge" and insert "tax"

On page 1, at the beginning of line 8, strike "surcharge" and insert "tax"

On page 2, line 1, after "The" strike "surcharge" and insert "tax"

On page 2, line 5, after "additional" strike "surcharges" and insert "taxes"

On page 6, at the beginning of line 29, strike "surcharge" and insert "~~((surcharge)) tax~~"

On page 7, at the beginning of line 15, strike "surcharges" and insert "~~((surcharges)) taxes~~"

On page 7, at the beginning of line 28, strike "surcharge" and insert "tax"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 839 by Senator Fortunato on page 1, line 6 to the committee striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 839 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 909 by Senator Wilson, L. be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$17"

Senators Wilson, L. and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 909 by Senator Wilson, L. on page 1, line 6 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 909 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 910 by Senator Wilson, L. be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$27"

Senator Wilson, L. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 910 by Senator Wilson, L. on page 1, line 6 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 910 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 911 by Senator Brown be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$37"

Senator Brown spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 911 by Senator Brown on page 1, line 6 to the committee striking amendment.

The motion by Senator Brown did not carry and floor amendment no. 911 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 912 by Senator Brown be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$47"

Senator Brown spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 912 by Senator Brown on page 1, line 6 to the committee striking amendment.

The motion by Senator Brown did not carry and floor amendment no. 912 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 913 by Senator Wagoner be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$57"

Senators Wagoner, Schoesler and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 913 by Senator Wagoner on page 1, line 6 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 913 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 914 by Senator Wagoner be adopted:

On page 1, line 6, after "of" strike "\$100" and insert "\$67"

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Ericksen: "Thank you, Mr. President. On the previous amendment I was watching the vote count as it came through and it appeared that it was 23 in favor 24 opposed until the very last moment and it turned to 24-24. And I don't see anybody excused or absent so, what would be the process in that situation to actually make a determination of the vote of the of those voting?"

REPLY BY THE PRESIDENT

President Heck: "Senator Ericksen, a tied vote is a failed vote. It requires a majority to pass."

The President declared the question before the Senate to be the adoption of floor amendment no. 914 by Senator Wagoner on page 1, line 6 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 914 was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Padden: "Thank you, Mr. President. Kind of as a follow-up to the point of inquiry from the gentleman from the 42nd, when there is a 24-24 tie, you said it fails it needs a majority, but Mr. President, do you have the authority to break that tie?"

REPLY BY THE PRESIDENT

President Heck: "It is a discretionary authority Senator."

MOTION

Senator Robinson moved that the following floor amendment no. 835 by Senator Robinson be adopted:

On page 1, line 21, after "providers" strike "and related" and insert "or public housing authorities, housing"

On page 1, line 22, after "services" strike "and" and insert ","

On page 1, line 22, after "rehousing" strike "and" and insert "emergency housing, or"

On page 1, line 26, after "rehousing," insert "emergency housing,"

Senator Robinson spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 835 by Senator Robinson on page 1, line 21 to the committee striking amendment.

The motion by Senator Robinson carried and floor amendment no. 835 was adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 904 by Senator Wilson, L. be adopted:

On page 2, line 7, after "county," strike "or"

On page 2, line 7, after "city" insert " or water-sewer district"

On page 10, after line 3, insert the following:

"Sec. 7. RCW 36.22.178 and 2019 c 136 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in RCW 43.31.615.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve

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extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal lien, or water-sewer district lien, or satisfaction of lien.

Sec. 8. RCW 36.22.179 and 2019 c 136 s 2 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (3) of this section, an additional surcharge of sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program.

(ii) The remaining eighty-seven and one-half percent of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments; and

(B) All remaining funds are to be used by the department to:

(I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a federal, state, county, ~~((or))~~ city, or water-sewer district lien or satisfaction of lien.

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 9. RCW 36.22.1791 and 2019 c 136 s 3 are each amended to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's local homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program

established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal or water-sewer district lien or satisfaction of lien.

Sec. 10. RCW 36.22.240 and 2019 c 348 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of two dollars and fifty cents shall be charged by the county auditor for each document recorded, which will be in addition to any other charge or surcharge allowed by law. The auditor shall remit the funds to the state treasurer to be deposited and used as follows:

(a) Through June 30, 2024, funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 to be used first for grants for costs associated with RCW 36.70A.600 and for costs associated with RCW 36.70A.610, and thereafter for any allowable use of the fund.

(b) Beginning July 1, 2024, sufficient funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 for costs associated with RCW 36.70A.610, and the remainder deposited into the home security fund account created in RCW 43.185C.060 to be used for maintenance and operation costs of: (i) Permanent supportive housing and (ii) affordable housing for very low-income and extremely low-income households. Funds may only be expended in cities that have taken action under RCW 36.70A.600.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, ~~((or))~~ city, or water-sewer district lien or satisfaction of lien.

(3) For purposes of this section, the terms "permanent supportive housing," "affordable housing," "very low-income households," and "extremely low-income households" have the same meaning as provided in RCW 36.70A.030."

On page 10, line 6, after "43.185C.060," strike "and 43.185C.190" and insert "43.185C.190, 36.22.178, 36.22.179, 36.22.1791, and 36.22.240"

Senators Wilson, L. and Robinson spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 904 by Senator Wilson, L. on page 2, line 7 to the committee striking amendment.

The motion by Senator Wilson, L. carried and floor amendment no. 904 was adopted by voice vote.

Senator Robinson moved that the following floor amendment no. 915 by Senator Robinson be adopted:

On page 2, line 7, after "county," strike "or city" and insert "city, or wage"

On page 10, after line 3, insert the following:

"Sec. 7. RCW 36.22.178 and 2019 c 136 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in RCW 43.31.615.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance

MOTION

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voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal lien, wage lien, or satisfaction of lien.

Sec. 8. RCW 36.22.179 and 2019 c 136 s 2 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (3) of this section, an additional surcharge of sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program.

(ii) The remaining eighty-seven and one-half percent of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments; and

(B) All remaining funds are to be used by the department to:

(I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a federal, state, county, (~~(c)~~) city, or wage lien or satisfaction of lien.

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 9. RCW 36.22.1791 and 2019 c 136 s 3 are each amended to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's local homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal or wage lien or satisfaction of lien.

Sec. 10. RCW 36.22.240 and 2019 c 348 s 11 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of two dollars and fifty cents shall be charged by the county auditor for each document recorded, which will be in addition to any other charge or surcharge allowed by law. The auditor shall remit the funds to the state treasurer to be deposited and used as follows:

(a) Through June 30, 2024, funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 to be used first for grants for costs

associated with RCW 36.70A.600 and for costs associated with RCW 36.70A.610, and thereafter for any allowable use of the fund.

(b) Beginning July 1, 2024, sufficient funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 for costs associated with RCW 36.70A.610, and the remainder deposited into the home security fund account created in RCW 43.185C.060 to be used for maintenance and operation costs of: (i) Permanent supportive housing and (ii) affordable housing for very low-income and extremely low-income households. Funds may only be expended in cities that have taken action under RCW 36.70A.600.

(2) The surcharge imposed in this section does not apply to: (a) Assignments or substitutions of previously recorded deeds of trust; (b) documents recording a birth, marriage, divorce, or death; (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law; (d) marriage licenses issued by the county auditor; or (e) documents recording a federal, state, county, ((~~or~~)) city, or wage lien or satisfaction of lien.

(3) For purposes of this section, the terms "permanent supportive housing," "affordable housing," "very low-income households," and "extremely low-income households" have the same meaning as provided in RCW 36.70A.030."

On page 10, line 6, after "43.185C.060," strike "and 43.185C.190" and insert "43.185C.190, 36.22.178, 36.22.179, 36.22.1791, and 36.22.240"

Senator Robinson spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 915 by Senator Robinson on page 2, line 7 to the committee striking amendment.

The motion by Senator Robinson carried and floor amendment no. 915 was adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 916 by Senator Wilson, L. be adopted:

On page 4, line 23, after "grantee." insert "The award of redistributed funds to an alternative grantee under this subsection (7)(b) must be on a competitive contract basis in accordance with state public contracting bidding laws under chapter 39.04 RCW."

Senator Wilson, L. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Robinson spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 916 by Senator Wilson, L. on page 4, line 23 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 916 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 834 by Senator Wilson, L. be adopted:

On page 6, line 33, after "act." insert "No funds deposited in the account from the surcharge established in section 1 of this act may be expended from the account for shelters or housing that allow drug consumption."

On page 7, line 20, after "act." insert "No funds deposited in the account from the surcharge established in section 1 of this act may be expended from the account for shelters or housing that allow drug consumption."

Senators Wilson, L. and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 834 by Senator Wilson, L. on page 6, line 33 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 834 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 836 by Senator Rivers be adopted:

On page 6, line 33, after "act." insert "After June 30, 2023, the department must award funds for project-based vouchers for nonprofit housing providers and related services, rapid rehousing, and housing acquisition under section 1 of this act to eligible grantees in a manner that 25 percent of funding is distributed as a performance-based allocation, in addition to any base allocation of funding, to counties that demonstrate a reduction in its unsheltered population over the previous two years."

On page 7, line 20, after "act." insert "After June 30, 2023, the department must award funds for operations, maintenance, and services as described in section 1(1)(a) of this act to eligible grantees in a manner that 25 percent of funding is distributed as a performance-based allocation, in addition to any base allocation of funding, to counties that demonstrate a reduction in its unsheltered population over the previous two years."

Senators Rivers and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Robinson and Frockt spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 836 by Senator Rivers on page 6, line 33 to the committee striking amendment.

The motion by Senator Rivers did not carry and floor amendment no. 836 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 917 by Senator Gildon be adopted:

On page 6, line 33, after "act" insert "No funds deposited in the account from the surcharges established in RCW 36.22.179, 36.22.1791, and section 1 of this act may be granted to a county where homeless encampments are allowed on school district property or within 500 feet of school district property"

On page 7, line 20, after "act" insert "No funds deposited in the account from the surcharges established in RCW 36.22.178 and section 1 of this act may be granted to a county where homeless encampments are allowed on school district property or within 500 feet of school district property"

Senators Gildon, King, Rivers and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Wilson, J., Robinson and Liias spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gildon on page 6, line 33 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Nobles, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Pedersen, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Robinson moved that the following floor amendment no. 923 by Senator Robinson be adopted:

On page 6, line 34, after "(2)" insert:

"(a) By December 15, 2021, the department, in consultation with stakeholder groups specified in section 2(2)(c) of this act, must create a set of performance metrics for each county receiving funding under section 1 of this act. The metrics must target actions within a county's control that will prevent and reduce homelessness, such as increasing the number of permanent supportive housing units and increasing or maintaining an adequate number of noncongregate shelter beds.

(b)(i) Beginning July 1, 2023, and by July 1st every two years thereafter, the department must award funds for project-based vouchers for nonprofit housing providers and related services, rapid rehousing, and housing acquisition under section 1 of this act to eligible grantees in a manner that 15 percent of funding is distributed as a performance-based allocation based on performance metrics created under (a) of this subsection, in addition to any base allocation of funding for the county.

(ii) Any county that demonstrates that it has met or exceeded the majority of the target actions to prevent and reduce homelessness over the previous two years must receive the remaining 15 percent performance-based allocation. Any county that fails to meet or exceed the majority of target actions to prevent and reduce homelessness must enter into a corrective action plan with the department. To receive its performance-based allocation, a county must agree to undertake the corrective actions outlined in the corrective action plan and any reporting and monitoring deemed necessary by the department. Any county that fails to meet or exceed the majority of targets for two consecutive years after entering into a corrective action plan may

be subject to a reduction in the performance-based portion of the funds received in (b)(i) of this subsection, at the discretion of the department in consultation with stakeholder groups specified in section 2(2)(c) of this act. Performance-based allocations unspent due to lack of compliance with a corrective action plan created under this subsection (2)(b) may be distributed to other counties that have met or exceeded their target actions.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Robinson spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Rivers spoke on adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 923 by Senator Robinson on page 6, line 34 to the committee striking amendment.

The motion by Senator Robinson carried and floor amendment no. 923 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1277.

The motion by Senator Robinson carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Second Substitute House Bill No. 1277, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1277, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 22, 2021

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5092. The Speaker has appointed the following members as Conferees: Representatives Ormsby, Gregerson, Stokesbary and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 5:12 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:35 p.m. by President Heck.

MESSAGE FROM THE HOUSE

April 24, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2021

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5476 with the following amendment(s): 5476.E AMH ENGR H1622.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in collaboration with the substance use recovery services advisory committee established in subsection (2) of this section, shall establish a substance use recovery services plan. The purpose of the plan is to implement measures to assist persons with substance use disorder in accessing outreach, treatment, and recovery support services that are low barrier, person centered, informed by people with lived experience, and culturally and linguistically appropriate. The plan must articulate the manner in which continual, rapid, and widespread access to a comprehensive continuum of care will be provided to all persons with substance use disorder.

(2)(a) The authority shall establish the substance use recovery services advisory committee to collaborate with the authority in the development and implementation of the substance use recovery services plan under this section. The authority must appoint members to the advisory committee who have relevant background related to the needs of persons with substance use disorder. The advisory committee shall be reflective of the community of individuals living with substance use disorder, including persons who are Black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities. The advisory committee shall

be convened and chaired by the director of the authority, or the director's designee. In addition to the member from the authority, the advisory committee shall include:

(i) One member and one alternate from each of the two largest caucuses of the house of representatives, as appointed by the speaker of the house of representatives;

(ii) One member and one alternate from each of the two largest caucuses of the senate, as appointed by the president of the senate;

(iii) One representative of the governor's office;

(iv) At least one adult in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(v) At least one youth in recovery from substance use disorder who has experienced criminal legal consequences as a result of substance use;

(vi) One expert from the addictions, drug, and alcohol institute at the University of Washington;

(vii) One outreach services provider;

(viii) One substance use disorder treatment provider;

(ix) One peer recovery services provider;

(x) One recovery housing provider;

(xi) One expert in serving persons with co-occurring substance use disorders and mental health conditions;

(xii) One expert in antiracism and equity in health care delivery systems;

(xiii) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field;

(xiv) One representative of the association of Washington health plans;

(xv) One expert in diversion from the criminal legal system to community-based care for persons with substance use disorder;

(xvi) One representative of public defenders;

(xvii) One representative of prosecutors;

(xviii) One representative of sheriffs and police chiefs;

(xix) One representative of a federally recognized tribe; and

(xx) One representative of local governments.

(b) The advisory committee may create subcommittees with expanded participation.

(c) In its collaboration with the advisory committee to develop the substance use recovery services plan, the authority must give due consideration to the recommendations of the advisory committee. If the authority determines that any of the advisory committee's recommendations are not feasible to adopt and implement, the authority must notify the advisory committee and offer an explanation.

(d) The advisory committee must convene as necessary for the development of the substance use recovery services plan and to provide consultation and advice related to the development and adoption of rules to implement the plan. The advisory committee must convene to monitor implementation of the plan and advise the authority.

(3) The plan must consider:

(a) The points of intersection that persons with substance use disorder have with the health care, behavioral health, criminal, civil legal, and child welfare systems as well as the various locations in which persons with untreated substance use disorder congregate, including homeless encampments, motels, and casinos;

(b) New community-based care access points, including crisis stabilization services and the safe station model in partnership with fire departments;

(c) Current regional capacity for substance use disorder assessments, including capacity for persons with co-occurring substance use disorders and mental health conditions, each of the

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American society of addiction medicine levels of care, and recovery support services;

(d) Barriers to accessing the existing behavioral health system and recovery support services for persons with untreated substance use disorder, especially indigent youth and adult populations, persons with co-occurring substance use disorders and mental health conditions, and populations chronically exposed to criminal legal system responses, and possible innovations that could improve the quality and accessibility of care for those populations;

(e) Evidence-based, research-based, and promising treatment and recovery services appropriate for target populations, including persons with co-occurring substance use disorders and mental health conditions;

(f) Options for leveraging existing integrated managed care, medicaid waiver, American Indian or Alaska Native fee-for-service behavioral health benefits, and private insurance service capacity for substance use disorders, including but not limited to coordination with managed care organizations, behavioral health administrative services organizations, the Washington health benefit exchange, accountable communities of health, and the office of the insurance commissioner;

(g) Framework and design assistance for jurisdictions to assist in compliance with the requirements of RCW 10.31.110 for diversion of individuals with complex or co-occurring behavioral health conditions to community-based care whenever possible and appropriate, and identifying resource gaps that impede jurisdictions in fully realizing the potential impact of this approach;

(h) The design of recovery navigator programs in section 2 of this act, including reporting requirements by behavioral health administrative services organizations to monitor the effectiveness of the programs and recommendations for program improvement;

(i) The proposal of a funding framework in which, over time, resources are shifted from punishment sectors to community-based care interventions such that community-based care becomes the primary strategy for addressing and resolving public order issues related to behavioral health conditions;

(j) Strategic grant making to community organizations to promote public understanding and eradicate stigma and prejudice against persons with substance use disorder by promoting hope, empathy, and recovery;

(k) Recommendations for diversion to community-based care for individuals with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, across all points of the sequential intercept model;

(l) Recommendations regarding the appropriate criminal legal system response, if any, to possession of controlled substances;

(m) Recommendations regarding the collection and reporting of data that identifies the number of persons law enforcement officers and prosecutors engage related to drug possession and disparities across geographic areas, race, ethnicity, gender, age, sexual orientation, and income. The recommendations shall include, but not be limited to, the number and rate of persons who are diverted from charges to recovery navigator services or other services, who receive services and what type of services, who are charged with simple possession, and who are taken into custody; and

(n) The design of a mechanism for referring persons with substance use disorder or problematic behaviors resulting from substance use into the supportive services described in section 2 of this act.

(4) The plan and related rules adopted by the authority must give due consideration to persons with co-occurring substance use disorders and mental health conditions and the needs of youth.

The plan must include the substance use outreach, treatment, and recovery services outlined in sections 2 through 4 of this act which must be available in or accessible by all jurisdictions. These services must be equitably distributed across urban and rural settings. If feasible and appropriate, service initiation shall be made available on demand through 24-hour, seven days a week peer recovery coach response, behavioral health walk-in centers, or other innovative rapid response models. These services must, at a minimum, incorporate the following principles: Establish low barriers to entry and reentry; improve the health and safety of the individual; reduce the harm of substance use and related activity for the public; include integrated and coordinated services; incorporate structural competency and antiracism; use noncoercive methods of engaging and retaining people in treatment and recovery services, including contingency management; consider the unique needs of rural communities; and have a focus on services that increase social determinants of health.

(5) In developing the plan, the authority shall:

(a) Align the components of the plan with previous and ongoing studies, plans, and reports, including the Washington state opioid overdose and response plan, published by the authority, the roadmap to recovery planning grant strategy being developed by the authority, and plans associated with federal block grants; and

(b) Coordinate its work with the efforts of the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems and the crisis response improvement strategy committee established in chapter . . . , Laws of 2021 (Engrossed Second Substitute House Bill No. 1477).

(6) The authority must submit a preliminary report by December 1, 2021, regarding progress toward the substance use recovery services plan. The authority must submit the final substance use recovery services plan to the governor and the legislature by December 1, 2022. After submitting the plan, the authority shall adopt rules and enter into contracts with providers to implement the plan by December 1, 2023. In addition to seeking public comment under chapter 34.05 RCW, the authority must adopt rules in accordance with the recommendations of the substance use recovery services advisory committee as provided in subsection (2) of this section.

(7) In consultation with the substance use recovery services advisory committee, the authority must submit a report on the implementation of the substance use recovery services plan to the appropriate committees of the legislature and governor by December 1st of each year, beginning in 2023. This report shall include progress on the substance use disorder continuum of care, including availability of outreach, treatment, and recovery support services statewide.

(8) For the purposes of this section, "recovery support services" means a collection of resources that sustain long-term recovery from substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, recovery housing, permanent supportive housing, employment and education pathways, peer supports and recovery coaching, family education, technological recovery supports, transportation and child care assistance, and social connectedness.

(9) This section expires December 31, 2026.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) Each behavioral health administrative services organization shall establish a recovery navigator program. The program shall provide community-based outreach, intake, assessment, and connection to services and, as appropriate, long-term intensive case management and recovery coaching services, to youth and

adults with substance use disorder, including for persons with co-occurring substance use disorders and mental health conditions, who are referred to the program from diverse sources and shall facilitate and coordinate connections to a broad range of community resources for youth and adults with substance use disorder, including treatment and recovery support services.

(2) The authority shall establish uniform program standards for behavioral health administrative services organizations to follow in the design of their recovery navigator programs. The uniform program standards must be modeled upon the components of the law enforcement assisted diversion program and address project management, field engagement, biopsychosocial assessment, intensive case management and care coordination, stabilization housing when available and appropriate, and, as necessary, legal system coordination. The authority must adopt the uniform program standards from the components of the law enforcement assisted diversion program to accommodate an expanded population of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, and allow for referrals from a broad range of sources. In addition to accepting referrals from law enforcement, the uniform program standards must provide guidance for accepting referrals on behalf of persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, from various sources including, but not limited to, self-referral, family members of the individual, emergency department personnel, persons engaged with serving homeless persons, including those living unsheltered or in encampments, fire department personnel, emergency medical service personnel, community-based organizations, members of the business community, harm reduction program personnel, faith-based organization staff, and other sources within the criminal legal system, as outlined within the sequential intercept model. In developing response time requirements within the statewide program standards, the authority shall require, subject to the availability of amounts appropriated for this specific purpose, that responses to referrals from law enforcement occur immediately for in-custody referrals and shall strive for rapid response times to other appropriate settings such as emergency departments.

(3) Subject to the availability of amounts appropriated for this specific purpose, the authority shall provide funding to each behavioral health administrative services organization for the development of its recovery navigator program. Before receiving funding for implementation and ongoing administration, each behavioral health administrative services organization must submit a program plan that demonstrates the ability to fully comply with statewide program standards. The authority shall establish a schedule for the regular review of behavioral health administrative services organizations' programs. The authority shall arrange for technical assistance to be provided by the LEAD national support bureau to all behavioral health administrative services organizations.

(4) Each behavioral health administrative services organization must have a substance use disorder regional administrator for its recovery navigator program. The regional administrator shall be responsible for assuring compliance with program standards, including staffing standards. Each recovery navigator program must maintain a sufficient number of appropriately trained personnel for providing intake and referral services, conducting comprehensive biopsychosocial assessments, providing intensive case management services, and making warm handoffs to treatment and recovery support services along the continuum of care. Program staff must include people with lived experience with substance use disorder to the extent possible. The substance use disorder regional administrator must assure that staff who are

conducting intake and referral services and field assessments are paid a livable and competitive wage and have appropriate initial training and receive continuing education.

(5) Each recovery navigator program must submit quarterly reports to the authority with information identified by the authority and the substance use recovery services advisory committee. The reports must be provided to the substance use recovery services advisory committee for discussion at meetings following the submission of the reports.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a grant program to:

(a) Provide treatment services for low-income individuals with substance use disorder who are not eligible for medical assistance programs under chapter 74.09 RCW, with priority for the use of the funds for very low-income individuals; and

(b) Provide treatment services that are not eligible for federal matching funds to individuals who are enrolled in medical assistance programs under chapter 74.09 RCW.

(2) In establishing the grant program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, managed care organizations, and regional behavioral health providers to adopt regional standards that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region's needs for:

(a) Opioid use disorder treatment programs;

(b) Low-barrier buprenorphine clinics;

(c) Outpatient substance use disorder treatment;

(d) Withdrawal management services, including both subacute and medically managed withdrawal management;

(e) Secure withdrawal management and stabilization services;

(f) Inpatient substance use disorder treatment services;

(g) Inpatient co-occurring disorder treatment services; and

(h) Behavioral health crisis walk-in and drop-off services.

(3) Funds in the grant program must be used to reimburse providers for the provision of services to individuals identified in subsection (1) of this section. The authority may use the funds to support evidence-based practices and promising practices that are not reimbursed by medical assistance or private insurance, including contingency management. In addition, funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary and feasible to increase the availability of services to achieve the regional access standards developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, start-up funding, and similar forms of assistance. Funds may not be used to support the ongoing operational costs of a provider or organization, except in relation to payments for specific service encounters with an individual identified in subsection (1) of this section or for noninsurance reimbursable services.

(4) The authority must establish regional access standards under subsection (2) of this section, subject to the availability of amounts appropriated for this specific purpose, by January 1, 2023, and begin distributing grant funds by March 1, 2023.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish the expanded recovery support services program to increase access to recovery services for individuals in recovery from substance use disorder.

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(2) In establishing the program, the authority shall consult with the substance use recovery services advisory committee established in section 1 of this act, behavioral health administrative services organizations, regional behavioral health providers, and regional community organizations that support individuals in recovery from substance use disorders, including individuals with co-occurring substance use disorders and mental health conditions, to adopt regional expanded recovery plans that are consistent with the substance use recovery services plan developed under section 1 of this act to provide sufficient access for youth and adults to meet each region's needs for:

- (a) Recovery housing;
- (b) Employment pathways, support, training, and job placement, including evidence-based supported employment program services;
- (c) Education pathways, including recovery high schools and collegiate recovery programs;
- (d) Recovery coaching and substance use disorder peer support;
- (e) Social connectedness initiatives, including the recovery café model;
- (f) Family support services, including family reconciliation services;
- (g) Technology-based recovery support services;
- (h) Transportation assistance; and
- (i) Legal support services.

(3) Funds in the expanded recovery support services program must be used to reimburse providers for the provision of services to individuals in recovery from substance use disorders, including individuals with co-occurring substance use disorders and mental health conditions. In addition, the funds may be used to provide assistance to organizations to establish or expand recovery support services as reasonably necessary and feasible to increase the availability of services to achieve the regional expanded recovery plans developed under subsection (2) of this section, including such items as training and recruitment of personnel, reasonable modifications to existing facilities to accommodate additional clients, and similar forms of assistance.

(4) The authority must establish regional expanded recovery plans under subsection (2) of this section, subject to the availability of amounts appropriated for this specific purpose, by January 1, 2023, and begin distributing grant funds by March 1, 2023.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a homeless outreach stabilization transition program to expand access to modified assertive community treatment services provided by multidisciplinary behavioral health outreach teams to serve people who are living with serious substance use disorders or co-occurring substance use disorders and mental health conditions, are experiencing homelessness, and whose severity of behavioral health symptom acuity level creates a barrier to accessing and receiving conventional behavioral health services and outreach models.

(a) In establishing the program, the authority shall consult with behavioral health outreach organizations who have experience delivering this service model in order to establish program guidelines regarding multidisciplinary team staff types, service intensity and quality fidelity standards, and criteria to ensure programs are reaching the appropriate priority population.

(b) Funds for the homeless outreach stabilization transition program must be used to reimburse organizations for the provision of multidisciplinary outreach services to individuals

who are living with substance use disorders or co-occurring substance use and mental health disorders and are experiencing homelessness or transitioning from homelessness to housing. The funds may be used to provide assistance to organizations to establish or expand services as reasonably necessary to create a homeless outreach stabilization transition program, including items such as training and recruitment of personnel, outreach and engagement resources, client engagement and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.

(c) The authority must establish one or more homeless outreach stabilization transition programs by January 1, 2024, and begin distributing grant funds by March 1, 2024.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall establish a project for psychiatric outreach to the homeless program to expand access to behavioral health medical services for people who are experiencing homelessness and living in permanent supportive housing.

(a) In establishing the program, the authority shall consult with behavioral health medical providers, homeless service providers, and permanent supportive housing providers that support people living with substance use disorders, co-occurring substance use and mental health conditions, and people who are currently or have formerly experienced homelessness.

(b) Funds for the project for psychiatric outreach to the homeless program must be used to reimburse organizations for the provision of medical services to individuals who are living with or in recovery from substance use disorders, co-occurring substance use and mental health disorders, or other behavioral and physical health conditions. Organizations must provide medical services to people who are experiencing homelessness or are living in permanent supportive housing and would be at risk of homelessness without access to appropriate services. The funds may be used to provide assistance to organizations to establish or expand behavioral health medical services as reasonably necessary to create a project for psychiatric outreach to the homeless program, including items such as training and recruitment of personnel, outreach and engagement resources, medical equipment and health supplies, medications for people who do not have access to insurance, and similar forms of assistance.

(c) The authority must establish one or more projects for psychiatric outreach to the homeless programs by January 1, 2024, and begin distributing grant funds by March 1, 2024.

(3) Subject to the availability of amounts appropriated for this specific purpose, the authority shall increase contingency management resources for opioid treatment networks that are serving people living with co-occurring stimulant use and opioid use disorder.

(4) Subject to the availability of amounts appropriated for this specific purpose, the authority shall develop a plan for implementing a comprehensive statewide substance misuse prevention effort. The plan must be completed by January 1, 2024.

(5) Subject to the availability of amounts appropriated for this specific purpose, the authority shall administer a competitive grant process to broaden existing local community coalition efforts to prevent substance misuse by increasing relevant protective factors while decreasing risk factors. Coalitions are to be open to all stakeholders interested in substance misuse prevention, including, but not limited to, representatives from people in recovery, law enforcement, education, behavioral health, parent organizations, treatment organizations,

organizations serving youth, prevention professionals, and business.

Sec. 6. RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004 are each reenacted and amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a crime, and the individual is known by history or consultation with the behavioral health administrative services organization, managed care organization, ~~((behavioral health administrative services organization,))~~ crisis hotline, ~~((or))~~ local crisis services providers, or community health providers to ~~((suffer from))~~ have a mental disorder or substance use disorder, in addition to existing authority under state law or local policy, as an alternative to arrest, the arresting officer is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional or substance use disorder professional within three hours of arrival;

(c) Refer the individual to a ~~((mental health professional))~~ designated crisis responder for evaluation for initial detention and proceeding under chapter 71.05 RCW; ~~((or))~~

(d) Release the individual upon agreement to voluntary participation in outpatient treatment;

(e) Refer the individual to youth, adult, or geriatric mobile crisis response services, as appropriate; or

(f) Refer the individual to the regional entity responsible to receive referrals in lieu of legal system involvement, including the recovery navigator program described in section 2 of this act.

(2) If the individual is released to the community from the facilities in subsection (1)(a) through (c) of this section, the mental health provider or substance use disorder professional shall make reasonable efforts to inform the arresting officer of the planned release prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer must be guided by local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, if available, the substance use disorder history of the individual, if available, the opinions of a mental health professional, if available, the opinions of a substance use disorder professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying ~~((him or her))~~ the individual from referral to treatment under this section, and define the circumstances under which such action is permissible. Referrals to services, care, and treatment for substance use disorder must be made in accordance with protocols developed for the recovery navigator program described in section 2 of this act.

(4) Any agreement to participate in treatment or services in lieu of jail booking or referring a case for prosecution shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in ~~((a mental health treatment))~~ the alternative response described in this section. ~~((The))~~ Any agreement is inadmissible in any criminal or civil proceeding. ~~((The agreement does))~~ Such agreements do not create immunity from prosecution for the alleged criminal activity.

(5) If ~~((an individual violates such agreement and the mental health treatment alternative is no longer appropriate))~~ there are required terms of participation in the services or treatment to which an individual was referred under this section, and if the individual violates such terms and is therefore no longer participating in services:

(a) The ~~((mental health))~~ behavioral health or service provider shall inform the referring law enforcement agency of the violation, if consistent with the terms of the program and applicable law; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly, unless filing or referring the charges is inconsistent with the terms of a local diversion program or a recovery navigator program described in section 2 of this act.

(6) The police officer is immune from liability for any good faith conduct under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning July 1, 2022, all law enforcement personnel required to complete basic law enforcement training under RCW 43.101.200 must receive training on law enforcement interaction with persons with substance use disorders, including persons with co-occurring substance use disorders and mental health conditions, and referral to treatment and recovery services and the unique referral processes for youth, as part of the basic law enforcement training. The training must be developed by the commission in collaboration with the University of Washington behavioral health institute and agencies that have expertise in the area of working with persons with substance use disorders, including law enforcement diversion of such individuals to community-based care. In developing the training, the commission must also examine existing courses certified by the commission that relate to persons with a substance use disorder, and should draw on existing training partnerships with the Washington association of sheriffs and police chiefs.

(2) The training must consist of classroom instruction or internet instruction and shall replicate likely field situations to the maximum extent possible. The training should include, at a minimum, core instruction in all of the following:

(a) Proper procedures for referring persons to the recovery navigator program in accordance with section 2 of this act;

(b) The etiology of substance use disorders, including the role of trauma;

(c) Barriers to treatment engagement experienced by many with such disorders who have contact with the legal system;

(d) How to identify indicators of substance use disorder and how to respond appropriately in a variety of common situations;

(e) Conflict resolution and de-escalation techniques for potentially dangerous situations involving persons with a substance use disorder;

(f) Appropriate language usage when interacting with persons with a substance use disorder;

(g) Alternatives to lethal force when interacting with potentially dangerous persons with a substance use disorder;

(h) The principles of recovery and the multiple pathways to recovery; and

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(i) Community and state resources available to serve persons with substance use disorders and how these resources can be best used by law enforcement to support persons with a substance use disorder in their communities.

(3) In addition to incorporation into the basic law enforcement training under RCW 43.101.200, training must be made available to law enforcement agencies, through electronic means, for use during in-service training.

Sec. 8. RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for ~~((any))~~:

(a) Any person to create~~((;))~~ or deliver~~((; or possess))~~ a counterfeit substance; or

(b) Any person to knowingly possess a counterfeit substance.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3) A violation of subsection (1)(b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

Sec. 9. RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a ~~((class C felony punishable under chapter 9A.20 RCW))~~ misdemeanor.

(3) The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services.

(4)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

~~((4))~~ (5)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial

purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

(iv) Three and one-half grams of marijuana concentrates.

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection ~~((4))~~ (5) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer.

~~((5))~~ (6) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

~~((6))~~ (7) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 10. RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each amended to read as follows:

Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of forty grams or less of marijuana is guilty of a misdemeanor. The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services.

Sec. 11. RCW 69.41.030 and 2019 c 55 s 9 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a

licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

Sec. 12. RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by

authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

NEW SECTION. Sec. 13. A new section is added to chapter 10.31 RCW to read as follows:

(1) For all individuals who otherwise would be subject to arrest for possession of a counterfeit substance under RCW 69.50.4011, possession of a controlled substance under RCW 69.50.4013, possession of 40 grams or less of marijuana under RCW 69.50.4014, or possession of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking and referral to the prosecutor, law enforcement shall offer a referral to assessment and services available pursuant to RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include the recovery navigator program established under section 2 of this act.

(2) If law enforcement agency records reflect that an individual has been diverted to referral for assessment and services twice or more previously, officers may, but are not required to, make additional diversion efforts.

(3) Nothing in this section precludes prosecutors from diverting or declining to file any charges for possession offenses that are referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030(2)(b) in the exercise of their discretion.

Sec. 14. RCW 69.50.412 and 2019 c 64 s 22 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare ~~((-test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body))~~ a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare ~~((-test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body))~~ a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases.

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Sec. 15. RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:

TABLE 4
DRUG OFFENSES
INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

III Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW ~~((9.94A.602))~~ 9.94A.825

Controlled Substance Homicide (RCW 69.50.415)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Involving a minor in drug dealing (RCW 69.50.4015)

Manufacture of methamphetamine (RCW 69.50.401(2)(b))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

II Create(~~(=)~~) or deliver(~~(= or possess)~~) a counterfeit controlled substance (RCW 69.50.4011~~(1)~~(a))

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(2)(b))

Delivery of a material in lieu of a controlled substance (RCW 69.50.4012)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(1)(f))

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(2)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2)(c) through (e))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

I Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(2)(c))

~~((Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013))~~

~~Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013)))~~

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Sec. 16. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

		JUVENILE
		DISPOSITION
		CATEGORY FOR
		ATTEMPT,
		BAILJUMP,
JUVENILE	DISPOSITION	OFFENSE DESCRIPTION (RCW CONSPIRACY, OR SOLICITATION)
DISPOSITION	OFFENSE DESCRIPTION (RCW CONSPIRACY, OR SOLICITATION)	
OFFENSE DESCRIPTION (RCW CONSPIRACY, OR SOLICITATION)		
CATEGORY CITATION)		

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 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (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)	C+

committed at age 15 or under

A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A	D+	Possession of Dangerous Weapon (9.41.250)	E
D+	Reckless Endangerment (9A.36.050)	E	D	Intimidating Another Person by use of Weapon (9.41.270)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+		Homicide	
D+	Coercion (9A.36.070)	E	A+	Murder 1 (9A.32.030)	A
C+	Custodial Assault (9A.36.100)	D+	A+	Murder 2 (9A.32.050)	B+
	Burglary and Trespass		B+	Manslaughter 1 (9A.32.060)	C+
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+	C+	Manslaughter 2 (9A.32.070)	D+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+	B+	Vehicular Homicide (46.61.520)	C+
B	Residential Burglary (9A.52.025)	C	A	Kidnapping	
B	Burglary 2 (9A.52.030)	C	B+	Kidnap 1 (9A.40.020)	B+
D	Burglary Tools (Possession of) (9A.52.060)	E	C+	Kidnap 2 (9A.40.030)	C+
				Unlawful Imprisonment (9A.40.040)	D+
D	Criminal Trespass 1 (9A.52.070)	E		Obstructing Governmental Operation	
E	Criminal Trespass 2 (9A.52.080)	E	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
C	Mineral Trespass (78.44.330)	C	E	Resisting Arrest (9A.76.040)	E
C	Vehicle Prowling 1 (9A.52.095)	D	B	Introducing Contraband 1 (9A.76.140)	C
D	Vehicle Prowling 2 (9A.52.100)	E	C	Introducing Contraband 2 (9A.76.150)	D
	Drugs		E	Introducing Contraband 3 (9A.76.160)	E
E	Possession/Consumption of Alcohol (66.44.270)	E	B+	Intimidating a Public Servant (9A.76.180)	C+
C	Illegally Obtaining Legend Drug (69.41.020)	D	B+	Intimidating a Witness (9A.72.110)	C+
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+	C+	Public Disturbance	
E	Possession of Legend Drug (69.41.030(2)(b))	E	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	E	Failure to Disperse (9A.84.020)	E
E	Possession of Marihuana <40 grams (69.50.4014)	E	E	Disorderly Conduct (9A.84.030)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C		Sex Crimes	
C+	Sale of Controlled Substance for Profit (69.50.410)	C+	A	Rape 1 (9A.44.040)	B+
E	Unlawful Inhalation (9.47A.020)	E	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	C+	Rape 3 (9A.44.060)	D+
((€)) E	Violation of Uniform Controlled Substances Act - Possession of Controlled Substance (69.50.4013)	((€)) E	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
B	Firearms and Weapons		B+	Rape of a Child 2 (9A.44.076)	C+
B	Theft of Firearm (9A.56.300)	C	B	Incest 1 (9A.64.020(1))	C
E	Possession of Stolen Firearm (9A.56.310)	C	C	Incest 2 (9A.64.020(2))	D
	Carrying Loaded Pistol Without Permit (9.41.050)	E	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (vi))	C	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+
			B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
			A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
			B	Child Molestation 2 (9A.44.086)	C+
			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

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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 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
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
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

¹Escape 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
²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A		JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE				
A	++	129 to 260 weeks for all category A++ offenses				
A	+	180 weeks to age 21 for all category A+ offenses				
A		103-129 weeks for all category A offenses				
A	-	3	5	8	1	1
		0-40	2-65	0-100	03-129	03-129
		wee ks	wee ks	wee ks	wee ks	wee ks
B	++	1	5	8	1	1
		5-36	2-65	0-100	03-129	03-129
		wee ks	wee ks	wee ks	wee ks	wee ks
B	+	1	1	5	8	1
		5-36	5-36	2-65	0-100	03-129
		wee ks	wee ks	wee ks	wee ks	wee ks
CURRENT OFFENSE		B	L	L	1	1
		S	S	5-36	5-36	2-65
				wee ks	wee ks	wee ks
CATEGOR		C	L	L	L	1
	Y	+	S	S	S	5-36
					wee ks	wee ks
		C	L	L	L	1
			S	S	S	5-36
						wee ks
		D	L	L	L	L
	+		S	S	S	S
		D	L	L	L	L
			S	S	S	S
		E	L	L	L	L
			S	S	S	S
PRIOR			0	1	2	3
						4
						or

mor
e

ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or

immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 17. RCW 2.24.010 and 2013 c 27 s 3 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed in counties with a population of more than four hundred thousand, by the presiding judge of the superior court having jurisdiction therein, one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters.

(b) Criminal commissioners shall also have the authority to conduct resentencing hearings and to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners may be appointed for this purpose regardless of the population of the county served by the appointing court.

(c) The county legislative authority must approve the creation of criminal commissioner positions.

Sec. 18. RCW 2.24.040 and 2009 c 28 s 1 are each amended to read as follows:

Such court commissioner shall have power, authority, and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

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(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him or her by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children and for the dissolution of incorporations.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: PROVIDED, That in cases where a jury is demanded, same shall be referred to the superior court for trial.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To hear and determine ex parte and uncontested civil matters of any nature.

(10) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of the court commissioner's lawful orders made in any matter before the court commissioner as fully as the judge of the superior court.

(11) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

(12) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he or she may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

(13) To charge and collect, for his or her own use, the same fees for the official performance of official acts mentioned in subsections (4) and (11) of this section as are provided by law for referees and notaries public.

(14) To hear and determine small claims appeals as provided in chapter 12.36 RCW.

(15) In adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; ~~(and)~~ accept waivers of the right to speedy trial; and conduct resentencing hearings and hearings to vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

Sec. 19. RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an offender entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the offender has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

Sec. 20. RCW 10.64.110 and 1977 ex.s. c 259 s 1 are each amended to read as follows:

(1) Following June 15, 1977, except as provided in subsection (3) of this section, there shall be affixed to the original of every judgment and sentence of a felony conviction in every court in this state and every order adjudicating a juvenile to be a delinquent based upon conduct which would be a felony if committed by an adult, a fingerprint of the defendant or juvenile who is the subject of the order. When requested by the clerk of the court, the actual affixing of fingerprints shall be done by a representative of the office of the county sheriff.

(2) The clerk of the court shall attest that the fingerprints appearing on the judgment in sentence, order of adjudication of delinquency, or docket, is that of the individual who is the subject of the judgment or conviction, order, or docket entry.

(3) Amended judgment and sentences issued pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the fingerprinting requirements in subsection (1) of this section when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. In such cases, the amended judgment and sentence shall reference the original judgment and sentence and the fingerprints affixed thereto.

NEW SECTION. Sec. 21. The *State v. Blake* reimbursement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state and local government costs resulting from the supreme court's decision in *State v. Blake*, No. 96873-0 (Feb. 25, 2021), and to reimburse individuals for legal financial obligations paid in connection with sentences that have been invalidated as a result of the decision.

NEW SECTION. Sec. 22. The appropriations in this section are provided to the health care authority community behavioral health program and are subject to the following conditions and limitations:

(1) The following sums, or so much thereof as may be necessary, are each appropriated: \$25,000,000 from the state general fund for the fiscal year ending June 30, 2022; and \$20,000,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in section 2 of this act and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau.

(2) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,673,000 from the state general fund for the fiscal year ending June 30, 2022; \$3,114,000 from the state general fund for the fiscal year ending June 30, 2023; and \$3,890,000, from the general fund-federal account for the fiscal biennium ending June 30, 2023. The amounts in this subsection are provided solely for the authority to implement clubhouse services in every region of the state.

(3) The following sums, or so much thereof as may be necessary, are each appropriated: \$5,000,000 from the state general fund for the fiscal year ending June 30, 2022; and \$7,500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely

for the authority to implement the homeless outreach stabilization team program, pursuant to section 5(1) of this act.

(4) The following sums, or so much thereof as may be necessary, are each appropriated: \$2,500,000 from the state general fund for the fiscal year ending June 30, 2022; and \$2,500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails.

(5) The following sums, or so much thereof as may be necessary, are each appropriated: \$500,000 from the state general fund for the fiscal year ending June 30, 2022; and \$500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to expand opioid treatment network programs for people with co-occurring opioid and stimulant use disorder.

(6) The following sums, or so much thereof as may be necessary, are each appropriated: \$1,400,000 from the state general fund for the fiscal year ending June 30, 2022; and \$1,400,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to section 2 of this act and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

(7) The following sums, or so much thereof as may be necessary, are each appropriated: \$75,000 from the state general fund for the fiscal year ending June 30, 2022; and \$75,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

(8) The following sums, or so much thereof as may be necessary, are each appropriated: \$500,000 from the state general fund for the fiscal year ending June 30, 2022; and \$500,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

(9) The following sums, or so much thereof as may be necessary, are each appropriated: \$250,000 from the state general fund for the fiscal year ending June 30, 2022; and \$250,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to issue grants for substance use disorder family navigator services.

(10) The following sums, or so much thereof as may be necessary, are each appropriated: \$200,000 from the state general fund for the fiscal year ending June 30, 2022; and \$200,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in section 1 of this act.

(11) The following sums, or so much thereof as may be necessary, are each appropriated: \$2,565,000 from the state general fund for the fiscal year ending June 30, 2022; and \$2,565,000 from the state general fund for the fiscal year ending

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June 30, 2023. The amounts in this subsection are provided solely for staff and contracted services support for the authority to develop and implement the recovery services plan established in section 1 of this act and to carry out other requirements of this act. Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within the authority to provide contract oversight, accountability, performance improvement activities, and to ensure medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails.

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

NEW SECTION. Sec. 23. The appropriation in this section is provided to the administrative office of the courts and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$2,250,000 from the state general fund for the fiscal year ending June 30, 2022; and \$2,250,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely to fund grants for therapeutic courts operated by municipalities and district courts. The administrative office of the courts must allocate grant funding based upon a formula established by the administrative office of the courts. The formula must distribute the grant funding equitably between those therapeutic courts located east of the crest of the Cascade mountains and those therapeutic courts located west of the crest of the Cascade mountains. Multiple jurisdictions served by a single municipal court or district court may apply for funds as a single entity. Local jurisdictions receiving grant funding for therapeutic courts must use funding to identify individuals before the courts with substance use disorders or other behavioral health needs and engage those individuals with community-based therapeutic interventions.

NEW SECTION. Sec. 24. The appropriation in this section is provided to the department of commerce and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$500,000 from the state general fund for the fiscal year ending June 30, 2022; and \$1,000,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the department to provide grants for the operational costs of new staffed recovery residences which serve individuals with substance use disorders who require more support than a level 1 recovery residence.

NEW SECTION. Sec. 25. The appropriation in this section is provided to the criminal justice training commission and is subject to the following conditions and limitations:

The following sums, or so much thereof as may be necessary, are each appropriated: \$150,000 from the state general fund for the fiscal year ending June 30, 2022; and \$150,000 from the state general fund for the fiscal year ending June 30, 2023. The amounts in this subsection are provided solely for the commission to compensate trainer time to deliver the curriculum related to law enforcement interactions with persons with a substance use disorder pursuant to section 7 of this act.

NEW SECTION. Sec. 26. Sections 1 through 11 and 13 through 21 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 27. Section 11 of this act expires July 1, 2022.

NEW SECTION. Sec. 28. Section 12 of this act takes effect July 1, 2022.

NEW SECTION. Sec. 29. Sections 8 through 10, 12, 15, and 16 of this act expire July 1, 2023.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5476.

Senators Dhingra, Pedersen, Carlyle, Billig and Salomon spoke in favor of the motion.

Senators Padden, Wagoner, Rivers, Ericksen, Braun, Brown, Dozier, Wilson, J., Wilson, L., Holy and McCune spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5476.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5476 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5476, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5476, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Nguyen, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5476, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

5126

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478

April 24, 2021

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5165 and has passed the bill as recommended by the Conference Committee. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Substitute Senate Bill No. 5165

April 23, 2021

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute Senate Bill No. 5165, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2021-2023 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, 2023.

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

(a) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(b) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(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.

GENERAL GOVERNMENT AGENCIES—OPERATING NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation \$546,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation \$504,000

Pilotage Account—State Appropriation \$150,000

Multimodal Transportation Account—State Appropriation \$225,000

TOTAL APPROPRIATION..... \$879,000

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

(1) \$225,000 of the multimodal transportation account—state appropriation is provided solely for the commission to prepare an inventory of rail safety oversight conducted by state agencies in other states identified for review by program area as compared to the role of state agencies in Washington due September 1, 2022. This inventory must include a comparison of the oversight conducted by state agencies in California and New York, as well as other state agencies selected by the commission that play a broader role in rail safety oversight than state agencies in Washington. In developing its inventory, the commission shall include consideration of the relationship of state efforts to federal law. The inventory must include information related to safety oversight, coordination, communication, and enforcement of state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail.

(2) The commission must host one workshop with interested parties. The purpose of the workshop is to ensure consideration of relevant information in development of an inventory of current efforts in rail safety oversight by other states that can inform the legislature's intended expansion of the role of the commission in rail safety in the state of Washington. The purpose of the workshop is not to foreclose consideration of a specific legislative approach. Interested legislators and legislative staff and staff of the governor's office may participate in the workshop or workshops. Participation in the workshop must include, but is not limited to, representatives of:

- (a) Host and tenant railroads;
(b) Rail labor organizations;
(c) The state safety oversight agency for rail fixed guideway public transportation systems;
(d) Operators of, and entities providing financial support for, intercity passenger rail and rail fixed guideway systems;
(e) Local jurisdictions;
(f) Rail advocacy organizations;
(g) State emergency management organizations;
(h) The department of ecology;
(i) The department of labor and industries;
(j) The national transportation safety board;
(k) The federal railroad administration; and
(l) The pipeline and hazardous materials safety administration.

(3) The commission shall review, at a minimum, the report of the national transportation safety board report on the 2017 Amtrak derailment, the joint transportation committee's 2020 rail safety governance study, Engrossed Substitute House Bill No. 1418 (2021), as passed by the house on March 7, 2021, relevant federal laws and rules, and state rail safety plans.

(4) The commission's inventory must include, but is not limited to:

(a) An analysis of expanding the commission's role to match the role of other state agencies examined, including as it relates to oversight of implementation of new and materially changed railroad operations and infrastructure; operator safety management practices; the safety of transportation of crude oil by rail and enforcement of chapter 90.56 RCW; the safety and oversight of rail fixed guideway systems as defined in RCW 81.104.015; annual reporting practices; and rail safety communication and collaboration efforts, including through the use of a rail safety committee;

(b) A review of federal preemption issues and analysis of state rail safety authority in the context of the current rail safety oversight role of other states, as examined in this section;

(c) A review of workshop discussions;

(d) Estimated costs associated with implementation in Washington state of the safety program elements included in the inventory required in this section, itemized by program area and

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level of oversight performed, including estimated costs of options to improve the safety of transportation of crude oil by rail and enforcement of chapter 90.56 RCW;

(e) A review of revenue sources that support rail safety oversight activities in other states included in the inventory, including federal revenue sources. For each source, the review must also include:

- (i) Estimates of revenue generated if imposed in Washington;
- (ii) Estimates of how much would be paid by different types of entities; and

(f) A review of the level of liability protection afforded agencies that perform rail safety oversight under state law in the states examined in the inventory conducted.

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation	\$1,441,000
Puget Sound Ferry Operations Account—State Appropriation	\$126,000
Multimodal Transportation Account—State Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$1,817,000

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

\$250,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in collaboration with the Washington department of transportation and the office of the chief information officer, to conduct an evaluation of short term and long term facility and information technology needs. In conducting the evaluation, the office of financial management may contract with an entity with direct expertise in this area. The office of financial management must submit a final report of their evaluation by October 1, 2022. The evaluation must be coordinated with any legislatively directed study regarding leased space. The evaluation must include, but is not limited to:

- (1) Development of a status quo scenario based on current policy and projections and two alternative scenarios of the number of people and percentage of staff in telework status on a permanent basis with one alternative being the minimum feasible level of teleworking and one alternative being the maximum feasible level of teleworking;
- (2) Current and projected facility needs by location and function for the scenarios in subsection (1) of this section;
- (3) The specific number of employees and percentage of the workforce expected to be teleworking by location and function and the anticipated impact on facility space needs for the scenarios in subsection (1) of this section;
- (4) Analysis of opportunities to colocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency;
- (5) Detailed information on any increased costs, such as end-user devices, software, technology infrastructure, and other types of assistance needed to meet the teleworking levels in each of the scenarios in subsection (1) of this section;
- (6) Detailed information on any reduced costs, such as leases, facility maintenance, and utilities, resulting from the projected teleworking levels for the scenarios in subsection (1) of this section; and
- (7) Cost-benefit analysis detailing the net impact of teleworking on facility and total costs for the scenarios in subsection (1) of this section.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation	\$1,186,000
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The appropriation in this section is subject to the following conditions and limitations: 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	\$1,346,000
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NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation	\$668,000
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NEW SECTION. Sec. 107. FOR THE EVERGREEN STATE COLLEGE

Motor Vehicle Account—State Appropriation	\$150,000
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The appropriation in this section is subject to the following conditions and limitations: The total appropriation in this section is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future transportation contracts and subcontracts authorized in the transportation budget. This cost-benefit analysis must, to the extent feasible: (1) Compare existing types and uses of steel to made in America steel alternatives including evaluation of quality; (2) examine benefits to Washington workers and the Washington economy; (3) examine lifecycle and embodied carbon greenhouse gas emissions; (4) identify requirements for purchasing American steel that minimize costs and maximize benefits; and (5) evaluate American steel requirements or preferences in other states. The Washington state institute for public policy may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies. A final report is due to the legislature by December 1, 2021.

NEW SECTION. Sec. 108. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account—State Appropriation	\$2,000,000
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The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors outside of the Puget Sound area in the transportation sector and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This shall be done through various programs including but not limited to: (1) Outreach to women and minority business communities and individuals; (2) technical assistance 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; and (4) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector either directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

NEW SECTION. Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation	\$5,777,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,926,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first \$150,000 collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of \$16 per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) 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, 2021, 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 HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation \$3,210,000

NEW SECTION. Sec. 111. FOR THE SENATE

Motor Vehicle Account—State Appropriation \$3,085,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Motor Vehicle Account—State Appropriation \$400,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the association of Washington cities to inventory and assess fish passage barriers associated with city roads located in the *U.S. v. Washington* case area, water resource inventory area numbers one through 23. The study is a continuation of previous inventories, and must finalize a complete inventory of city-owned fish passage barriers in water resource inventory area numbers one through 23. The inventories and assessments must be conducted using the methods described in the department's fish passage, inventory, assessment, and prioritization manual. A report of the study must be provided to the office of financial management and the transportation committees of the legislature by July 1, 2023.

NEW SECTION. Sec. 113. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Puget Sound Ferry Capital Construction Account—State Appropriation \$300,000

Multimodal Transportation Account—State Appropriation \$200,000

TOTAL APPROPRIATION..... \$500,000

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

(1) \$300,000 of the Puget Sound ferry capital construction account—state is provided solely for an independent review of the design-build contracting process for the hybrid-electric Olympic class vessels. The review must evaluate, at minimum, the department's cost estimation and cost management practices relating to the design and construction of the first hybrid-electric vessel. The review must include recommendations to benefit the full program for the design and construction of five hybrid-electric vessels. The joint legislative audit and review committee must report to the legislature with the findings by October 1, 2022.

(2) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine the rates for leasing state-owned lands and air space to a regional transit authority. As part of this review, the committee must examine and evaluate the accounting and valuation

methodology for debits and credits used in the land bank accounting program utilized by the department of transportation and a regional transit authority. The review must also provide an evaluation of the specific type of lease agreements used for air space leasing by the department of transportation with a regional transit authority and the valuation methodology used to determine the lease rate for the property and the cost and benefits of long-term leases based on the periodic land value appraisals under the terms of the land bank agreement. The committee must identify the full cost to the state transportation system if the entire plan for land and air rights leases by a regional transit authority is undertaken at full economic rent, and the difference in costs to the regional transit authority if the leases were to be issued at less than economic rent, including a scenario in which the value of the land and air rights are discounted by the federal share of the funds that were used to acquire or improve the property originally. The committee shall complete the review and provide a report to the transportation committees of the legislature by December 1, 2022.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation ... \$4,625,000

Highway Safety Account—Federal Appropriation \$27,202,000

Highway Safety Account—Private/Local Appropriation \$60,000

School Zone Safety Account—State Appropriation \$850,000

TOTAL APPROPRIATION \$32,737,000

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

(1) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2022.

(2) 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, 2022.

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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 fourteen 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 section 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 (2); and

(vii) By June 30, 2023, 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.

(3) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170, chapter 224, Laws of 2020 to provide the transportation committees of the legislature with the following information by June 30, 2023:

(a) The number of warnings and infractions issued to first-time violators under the pilot program;

(b) 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

(c) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	\$1,134,000
Motor Vehicle Account—State Appropriation	\$4,760,000
County Arterial Preservation Account—State Appropriation	\$1,669,000

TOTAL APPROPRIATION	\$7,563,000
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The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the motor vehicle account—state appropriation is provided solely for deposit into the county road administration board emergency loan account—state account.

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	\$4,510,000
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NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation	\$2,679,000
Multimodal Transportation Account—State Appropriation	\$420,000
TOTAL APPROPRIATION	\$3,099,000

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

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to convene a vehicle registration payment work group to study and recommend new options for payment of vehicle fees or taxes due at the time of application for vehicle registration.

(b) The work group must consist of, but is not limited to, the following members: A representative of the department of licensing, a representative of county auditors, a representative of subagents, a representative of local taxing authorities imposing a fee or tax due at the time of application for vehicle registration, a representative of a city offering or considering a rebate program for vehicle fees or taxes due at the time of application for vehicle registration, a representative of vehicle owners subject to a motor vehicle excise tax, a representative of vehicle owners subject to an electric car or transportation electrification fee, and an advocate for multimodal transportation options. Work group members are eligible for reimbursement or allowance for expenses pursuant to RCW 43.03.220.

(c) The work group must engage with members of the public who are interested in new options for payment of fees or taxes due at the time of application for vehicle registration, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the work group's recommendations. The work group must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The work group's recommendations must include, but are not limited to, the following:

(i) Options to provide or encourage rebates to vehicle owners who pay taxes and fees due at the time of application for vehicle registration;

(ii) An agreed upon service fee structure for vehicle registration payment plans;

(iii) An agreed upon service fee revenue allocation method;

(iv) A process to allow agents and subagents to determine if a vehicle owner has paid all taxes and fees due prior to renewal of a vehicle registration;

(v) Options for reducing revenue loss due to missed payments, transfer of the certificate of title, or registration of a vehicle out of state; and

(vi) Options to reduce impacts to communities of color, low-income households, vulnerable populations, and displaced communities.

(e) A report of the work group's findings and recommendations is due to the transportation committees of the legislature by September 30, 2022.

(2) \$50,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts. The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

- (a) Issue bonds for bridge construction;
- (b) Collect tolls; and
- (c) Secure and administer state or federal grants and loans.

The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.

(3) \$220,000 of the multimodal transportation account—state appropriation is for overseeing a consultant study to provide recommendations related to the Washington state department of transportation's role in broadband service expansion efforts as directed in chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband along state highways). If chapter . . . (Engrossed Substitute House Bill No. 1457), Laws of 2021 (broadband along state highways) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) \$215,000 of the motor vehicle account—state appropriation is provided solely 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 on the impacts of current and historical city transportation investments on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities. The study must identify and measure the true costs of underinvestment of accessible transportation for designated populations, including the secondary impacts to public health, economic opportunity, educational access, and environmental risk factors. The assessment must include specific approaches to addressing existing inequities within cities, as well as recommendations to develop best practices to improve, diversify, and expand city transportation investments. A report must be provided to the office of financial management and the transportation committees of the legislature by December 20, 2022.

(5) \$400,000 of the motor vehicle account—state appropriation is for the development of a workforce plan for the Washington state ferries which addresses recruitment, retention, diversity, training needs, leadership development, succession planning and other elements needed to ensure sufficient and cost-effective crewing and staffing of the ferry system. In developing the scope of work for the plan and throughout plan development, the joint transportation committee must solicit input from representatives of the Washington state ferries division and the human resources division of the Washington state department of transportation.

Represented employee groups must also be consulted as part of plan development. The plan must include a roadmap for Washington state ferries to comprehensively address persistent staffing challenges and strategically position itself for its future workforce needs. The joint transportation committee must issue an interim report identifying short-term strategies to reduce reliance on overtime for staffing day-to-day ferry service. The interim report is due to the transportation committees of the legislature by January 1, 2022. The final report is due to the transportation committees of the legislature by December 20, 2022.

(6) \$200,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to update the Washington State Short Line Rail Inventory and Needs Assessment, prepared in 2015, and to facilitate a stakeholder process to assess the effectiveness of state support for short line rail infrastructure based on current and future short line rail infrastructure needs. This assessment must include consideration of current state grant and loan programs, including state investment in nonstate owned short lines, the state's role and investments in the Palouse River and Coulee City (PCC) rail system, and any other ongoing state activities related to short line rail infrastructure. The joint transportation committee must solicit input from all regions of the state from representatives of: Short line rail infrastructure owners, short line rail operators, short line rail customers from representative industries, ports served by short line rail infrastructure, the Washington state department of transportation, the utilities and transportation commission, and other relevant stakeholders as identified by the joint transportation committee. A report with recommendations to enhance the state's support for short line rail infrastructure is due to the transportation committees of the legislature by January 1, 2022.

(7)(a) \$200,000 of the motor vehicle account—state appropriation is for the joint transportation committee to develop a truck parking action plan with recommendations for immediate next steps for near-term and lasting change in the availability of truck parking for short-haul and long-distance commercial vehicle drivers who require reasonable accommodations for parking commercial motor vehicles, obtaining adequate services, and complying with federal rest requirements. For each opportunity identified, the action plan must:

- (i) Assess the magnitude of potential impact;
 - (ii) Assess the potential difficulty level of implementation; and
 - (iii) Explain barriers to success and specific steps required to overcome them.
- (b) The action plan must focus on approaches that would be most impactful and feasible and may include, but not be limited to:
- (i) Specific cooperative private sector and government actions;
 - (ii) Legal and regulatory frameworks at the state level to drive private and/or public-sector action;
 - (iii) Incentive-based government programs to spur private sector innovation and investment; and
 - (iv) Direct government action at the state, regional, and/or local level.

(c) The action plan must identify specific, promising projects and approaches, and provide a clear roadmap to what is needed to drive real, substantial improvements in truck parking.

(d) Outreach for action plan input, including on the feasibility of each opportunity evaluated, must include outreach to representatives of: The trucking industry; truck labor organizations; the shipping industry; truck stop owners; commercial freight delivery recipients, including warehouse and retail recipients; the association of Washington cities; the Washington state association of counties; the Washington state

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department of transportation; the Washington state patrol; and an academic or research institution that can provide input on technical components of the plan.

(e) A concise action plan with specific recommended next steps is due to the transportation committees of the legislature by January 1, 2022.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	\$2,438,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$127,000
State Route Number 520 Corridor Account—State Appropriation.....	\$276,000
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$180,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$172,000
TOTAL APPROPRIATION.....	\$3,193,000

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

(1) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(2) \$200,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 (per mile charge). If chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(3) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) \$50,000 of the motor vehicle account—state appropriation is provided solely for the commission to identify and measure how a road usage charge could be adjusted so that vehicles of comparable efficiency pay the same rate regardless of their means of propulsion and examine options for indexing to stabilize revenue as vehicle fleets become more efficient over time. If chapter . . . (Substitute Senate Bill No. 5444), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(5)(a) The transportation budget is currently reliant on vehicle and driver related fees. Motor vehicle registrations, driver licenses, tolls, and the motor vehicle fuel tax provide the primary revenues for the transportation budget. These user revenues no longer adequately support the transportation system's needs. Many of the transportation modes have no or little ability to generate revenue, yet are important elements of a functioning transportation network. Providing transportation options that do

not involve passenger vehicles is critical. The tax burden in the transportation budget falls on people that own and drive vehicles. It fails to provide the money needed for the system quality that the people of Washington want.

(b) Therefore, the commission is directed to evaluate, identify, and consider agencies, programs, and activities that are currently funded in the transportation budget that provide a public good that might be paid for using other revenues. The commission is directed to make recommendations for potential changes to funding sources for the transportation system with the goal of providing funding to maintain existing transportation assets in a state of good repair without exclusively relying on vehicle owners or drivers as the revenue source. Preliminary findings must be presented to the Joint Transportation Committee by September 30, 2022, and a final report issued to the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation	\$831,000
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NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	\$517,391,000
State Patrol Highway Account—Federal Appropriation	\$15,838,000
State Patrol Highway Account—Private/Local Appropriation	\$4,267,000
Highway Safety Account—State Appropriation ...	\$1,214,000
Ignition Interlock Device Revolving Account—State Appropriation	\$5,053,000
Multimodal Transportation Account—State Appropriation	\$288,000
State Route Number 520 Corridor Account—State Appropriation	\$433,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$77,000
I-405 and SR 167 Express Toll Lanes Account—State Appropriation	\$1,348,000
TOTAL APPROPRIATION	\$545,909,000

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

(1) 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.

(2) \$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, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that

more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (a) A summary of recruitment and retention strategies;
- (b) The number of transportation funded staff vacancies by major category;
- (c) The number of applicants for each of the positions by these categories;
- (d) The composition of workforce;
- (e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and
- (f) 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.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(6) \$7,962,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state 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 state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations). If chapter . . . (Substitute House Bill No. 1223), Laws of 2021 (custodial interrogations) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics). If chapter . . . (Engrossed Substitute House Bill No. 1054), Laws of 2021 (peace officer tactics) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers). If chapter . . . (Engrossed Second Substitute House Bill No. 1310), Laws of 2021 (use of force by officers) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(16)(a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2022 supplemental budget to restore funding as authorized staffing levels are achieved.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	\$4,894,000
Limited Fish and Wildlife Account—State	

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Appropriation	\$917,000
Highway Safety Account—State Appropriation	\$241,868,000
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation	\$73,327,000
Motor Vehicle Account—Federal Appropriation	\$150,000
Motor Vehicle Account—Private/Local Appropriation	
.....	\$6,600,000
Ignition Interlock Device Revolving Account—State	
Appropriation	\$6,071,000
Department of Licensing Services Account—State	
Appropriation	\$8,157,000
License Plate Technology Account—State	
Appropriation	\$4,250,000
Abandoned Recreational Vehicle Account—State	
Appropriation.....	\$3,066,000
Limousine Carriers Account—State Appropriation...	\$110,000
Electric Vehicle Account—State Appropriation.....	\$405,000
DOL Technology Improvement & Data Management	
Account—State Appropriation	\$748,000
Agency Financial Transaction Account—State	
Appropriation.....	\$21,257,000
Driver Licensing Technology Support	
Account—State Appropriation	\$1,373,000
TOTAL APPROPRIATION.....	\$374,521,000

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

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 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.

(3)(a) For the 2021-2023 biennium, the department shall charge \$6,600,000 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.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

- (i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;
- (ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;
- (iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 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 of section 701 of this act.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, 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/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1207), Laws of 2021 (DOL issued documents). If chapter . . . (Substitute House Bill No. 1207), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(8) \$1,373,000 of the driver licensing technology support account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of 2021 (suspension of licenses for traffic infractions). If chapter . . . (Engrossed Substitute Senate Bill No. 5226), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10 (Engrossed Substitute House Bill No. 1078), Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 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 2021-2023 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)(a) \$54,000 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 216 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 2021-2023 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 a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing 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, 2023, 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 216 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

State Route Number 520 Corridor Account—State

Appropriation\$53,689,000

State Route Number 520 Civil Penalties Account—State

Appropriation \$4,122,000

Tacoma Narrows Toll Bridge Account—State

Appropriation\$29,809,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation\$20,840,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation.....\$23,910,000

TOTAL APPROPRIATION\$132,370,000

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 \$12,484,000 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;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) 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)(a) \$708,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,651,000 of the state route number 520 corridor account—state appropriation, \$709,000 of the Tacoma Narrows toll bridge

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account—state appropriation, and \$932,000 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 2019-2021 biennium, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(c) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) Out of funding appropriated in this section, the department shall contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
 - (ii) The number of recipients who pay before the notice becomes a penalty;
 - (iii) The number of recipients who request a hearing and the number who do not respond;
 - (iv) Workload costs related to hearings;
 - (v) The cost and effectiveness of debt collection activities; and
 - (vi) Revenues generated from notices of civil penalty; and
- (e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a

competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) \$1,516,000 of the state route number 520 corridor account—state appropriation is provided solely for the increased costs of insurance for the state route number 520 floating bridge. The department shall conduct an evaluation 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. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 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.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation	\$1,377,000
Motor Vehicle Account—State Appropriation	\$97,026,000
Puget Sound Ferry Operations Account—State Appropriation	\$263,000

Multimodal Transportation Account—State	
Appropriation	\$6,986,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation	\$1,393,000
TOTAL APPROPRIATION.....	\$107,045,000

The appropriations in this section are subject to the following conditions and limitations: \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation	\$35,574,000
State Route Number 520 Corridor Account—State	
Appropriation	\$34,000
TOTAL APPROPRIATION.....	\$35,608,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation	\$8,055,000
Aeronautics Account—Federal Appropriation	\$3,916,000
Aeronautics Account—Private/Local Appropriation .	\$60,000
TOTAL APPROPRIATION.....	\$12,031,000

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

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718 of this act.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1379), Laws of 2021 (unpiloted aircraft system state coordinator). If chapter . . . (Substitute House Bill No. 1379), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation	\$59,138,000
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	
.....	\$758,000
TOTAL APPROPRIATION.....	\$60,396,000

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2021-2023 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(5) During the 2021-2023 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 right of first 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.

(6) \$300,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds). If chapter . . . (Substitute House Bill No. 1355), Laws of 2021 (noxious weeds) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(7) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 (environmental justice task force). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 (environmental justice task force) is not enacted by June 30, 2021, the amount provided in this subsection lapses.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation	\$675,000
Electric Vehicle Account—State Appropriation	\$9,900,000
Multimodal Transportation Account—State Appropriation	
.....	\$3,290,000

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TOTAL APPROPRIATION..... \$13,865,000
The appropriations in this section are subject to the following conditions and limitations:

(1) 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.

(2) \$8,900,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(3) \$2,400,000 of the multimodal transportation account—state appropriation is 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.

(4) \$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.

(5) \$140,000 of the multimodal transportation account—state appropriation is provided solely for the purpose of conducting an assessment of options for the development, including potential features and costs, for a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state as described in chapter . . . (Engrossed Second Substitute House Bill No. 1287), Laws of 2021 (preparedness for a zero emissions transportation future).

(6) \$250,000 of the multimodal transportation account—state appropriation is provided solely to fund the design of an electric charging mega-site project at Mount Vernon library commons.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation ..	\$496,925,000
Motor Vehicle Account—Federal Appropriation ..	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation ..	\$4,082,000
Tacoma Narrows Toll Bridge Account—State Appropriation ..	\$1,479,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation ..	\$8,157,000

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation..... \$2,545,000
TOTAL APPROPRIATION\$520,188,000

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

(1) \$7,529,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(2) \$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.

(3) \$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 (9) 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.

(4) \$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 (9) of this section. The program shall 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 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.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 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 that is not on the rights-of-way or for debris clean up on highway rights-of-way. 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. The department may use these funds to either 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.

(b) Beginning October 1, 2021, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation	....	\$74,406,000
Motor Vehicle Account—Federal Appropriation	..	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation		\$250,000
.....		
State Route Number 520 Corridor Account—State Appropriation	.....	\$225,000
Tacoma Narrows Toll Bridge Account—State Appropriation	.....	\$40,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	.....	\$1,112,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	.....	\$20,000
TOTAL APPROPRIATION	.....	\$78,103,000

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 2021-2023 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 organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport 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.

(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) 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 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 of this act must be authorized to use the reserved portion of the highway.

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(f) Nothing in this subsection (2) 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.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation	\$37,361,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
.....	
Multimodal Transportation Account—State Appropriation	\$5,129,000
State Route Number 520 Corridor Account—State Appropriation.....	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$150,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$77,000
TOTAL APPROPRIATION.....	\$44,304,000

The appropriations in this section are subject to the following conditions and limitations: \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (1) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (2) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in this subsection shall be directed toward the efforts outlined in subsection (2) of this section. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Account—State Appropriation	\$27,057,000
Motor Vehicle Account—Federal Appropriation	\$34,865,000
Motor Vehicle Account—Private/Local Appropriation	\$400,000
.....	
Multimodal Transportation Account—State Appropriation	\$919,000
.....	
Multimodal Transportation Account—Federal Appropriation	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation	\$100,000
State Route Number 520 Corridor Account—State Appropriation.....	\$406,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$2,879,000
TOTAL APPROPRIATION.....	\$69,435,000

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

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$406,000 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 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 testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Aeronautics Account—State Appropriation	\$1,000
Transportation Partnership Account—State Appropriation	\$23,000
Motor Vehicle Account—State Appropriation	\$99,515,000
Puget Sound Ferry Operations Account—State Appropriation	\$220,000
State Route Number 520 Corridor Account—State Appropriation	\$26,000
Connecting Washington Account—State Appropriation	\$184,000
Multimodal Transportation Account—State Appropriation	\$4,795,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$19,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	\$14,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$15,000
TOTAL APPROPRIATION.....	\$104,812,000

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 five million dollars, 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) Beginning October 1, 2021, 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) Beginning October 1, 2021, 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. 220. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation	\$104,478,000
Rural Mobility Grant Program Account—State Appropriation	\$33,168,000
Multimodal Transportation Account—State Appropriation	\$131,150,000
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
Multimodal Transportation Account—Local Appropriation	\$100,000
TOTAL APPROPRIATION	\$273,254,000

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

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is 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. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is 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 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$33,168,000 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) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$26,800,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP

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Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, 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, 2021, and December 15, 2022, 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 twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. 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 2021-2023 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.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 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. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first

mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, \$28,263,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP 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 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.

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) \$21,858,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and 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 provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State	
Appropriation	\$416,614,000
Puget Sound Ferry Operations Account—Federal	
Appropriation	\$124,000,000
Puget Sound Ferry Operations Account—Private/Local	
Appropriation	\$121,000
TOTAL APPROPRIATION	\$540,735,000

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 2021-2023 supplemental and 2023-2025 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) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) \$17,000,000 of the Puget Sound ferry operations account—federal appropriation and \$53,794,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 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.

(4) \$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.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation is provided solely for new employee training. 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.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) \$1,978,000 of the Puget Sound ferry operations account—state appropriation is provided solely for restoration of service to reflect increased ridership, availability of crewing and available revenues. Expenditures may be made to resume service to Sidney, British Columbia, including any service to the San Juans; to provide Saturday service on the Fauntleroy-Vashon-Southworth route; and to resume late night service on other routes in the system.

(9) Within amounts provided in this section, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(10) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for evacuation slide training.

(11) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for fall restraint labor and industries inspections.

(12) \$735,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(13) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for electronic navigation training.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State	
Appropriation	\$80,704,000
Multimodal Transportation Account—Private/Local	
Appropriation	\$46,000
Multimodal Transportation Account—Federal	
Appropriation	\$500,000
TOTAL APPROPRIATION	\$81,250,000

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

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	\$11,954,000
Motor Vehicle Account—Federal Appropriation .	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	\$900,000
TOTAL APPROPRIATION	\$15,421,000

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

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 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

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according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

- (a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;
- (b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and
- (c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(3)(a) By October 1, 2021, the department must report to the office of financial management and the transportation committees with recommendations regarding:

- (i) Modifications to the agreement with Wahkiakum county regarding future state reimbursement for the Wahkiakum ferry operating and maintenance deficit; and
 - (ii) Cost-sharing models for operating and maintenance costs, which recognize the benefit of the ferry route to both Washington and Oregon.
- (b) The reimbursement recommendations must reflect a mutual agreement with Wahkiakum county, which considers future county ferry operating loss projections. The report may address the importance of the ferry route to the state highway system and whether there is a need for an increased role for the state department of transportation in the finance or operation of the ferry route.

**TRANSPORTATION AGENCIES—CAPITAL
NEW SECTION. Sec. 301. FOR THE FREIGHT
MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State	
Appropriation	\$16,577,000
Freight Mobility Multimodal Account—State	
Appropriation.....	\$15,195,000
TOTAL APPROPRIATION.....	\$31,772,000

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

- (1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021, Freight Mobility Strategic Investment Board (FMSIB).
- (2) Until directed by the legislature, the board may not initiate a new call for projects.
- (3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first

address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

- (i) 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;
- (ii) 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 on the LEAP Transportation Document 2021-2 ALL PROJECT list;
- (iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3)(a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and
- (iv) Except for transfers made under (a)(iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board 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.

(c) 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 consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) 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 board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON
STATE PATROL**

State Patrol Highway Account—State	Appropriation
.....	\$4,196,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.
- (2) \$3,501,000 of the state patrol highway account—state appropriation is provided solely for the following projects:
 - (a) \$250,000 for emergency repairs;
 - (b) \$350,000 for fuel tank decommissioning;
 - (c) \$750,000 for generator and electrical replacement;
 - (d) \$195,000 for the exterior envelope of the Yakima office;
 - (e) \$466,000 for equipment shelters;
 - (f) \$650,000 for the weatherization projects;
 - (g) \$200,000 for roof replacements reappropriation; and
 - (h) \$640,000 for water and fire suppression systems reappropriation.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be

transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	\$55,028,000
Motor Vehicle Account—State Appropriation	\$1,456,000
County Arterial Preservation Account—State Appropriation	\$37,379,000
TOTAL APPROPRIATION.....	\$93,863,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation	\$4,100,000
Transportation Improvement Account—State Appropriation	\$201,000,000
Complete Streets Grant Program Account—State Appropriation	\$14,670,000
TOTAL APPROPRIATION.....	\$219,770,000

The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the transportation committees of the legislature by January 1, 2022.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation	\$10,852,000
Connecting Washington Account—State Appropriation	\$3,289,000
TOTAL APPROPRIATION.....	\$14,141,000

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

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) \$4,325,000 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.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation 2003 Account (Nickel Account)—State Appropriation	\$149,000
Transportation Partnership Account—State Appropriation	\$119,053,000
Motor Vehicle Account—State Appropriation	\$89,717,000

Motor Vehicle Account—Federal Appropriation	\$388,903,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$400,000,000
Motor Vehicle Account—Private/Local Appropriation	\$48,628,000
Connecting Washington Account—State Appropriation	\$2,881,033,000
Special Category C Account—State Appropriation	\$105,363,000
Multimodal Transportation Account—State Appropriation	\$10,784,000
State Route Number 520 Corridor Account—State Appropriation	\$15,940,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$30,308,000
TOTAL APPROPRIATION	\$4,089,878,000

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 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 2021-1 as developed April 23, 2021, 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 2021-2 ALL PROJECTS as developed April 23, 2021, 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 or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. 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. The department shall submit a report on fiscal year funds 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 \$2,230,636,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$82,475,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$28,411,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) \$60,450,000 of the transportation partnership account—state appropriation, \$2,258,000 of the motor vehicle account—private/local appropriation, and \$984,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way

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viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds.

(8) \$193,699,000 of the connecting Washington account—state appropriation is provided solely for the US 395 North Spokane Corridor project (M00800R).

(9)(a) \$14,827,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

(10)(a) \$492,349,000 of the connecting Washington account—state appropriation and \$355,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(11) \$382,880,000 of the connecting Washington account—state appropriation, \$4,800,000 of the multimodal transportation account—state appropriation, \$17,869,000 of the motor vehicle account—private/local appropriation, and \$82,165,000 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) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full directional interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two interchanges.

(d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for 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.

(12)(a) \$26,928,000 of the motor vehicle account—state appropriation and \$1,671,000 of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project (L2000370).

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

(13)(a) \$400,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$529,577,000 of the connecting Washington account—state appropriation, \$194,959,000 of the motor vehicle account—federal appropriation, and \$1,849,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. Of the amounts provided in this subsection, \$400,000,000 of the connecting Washington account—state appropriation must be initially placed in unallotted status during the 2021-2023 fiscal biennium, and may only be released by the office of financial management for allotment by the department if it is determined that the Fish Passage Barrier Removal project (OBI4001) is not an eligible use of amounts received by the state pursuant to the federal American rescue plan act of 2021.

(b) 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, 2021, and June 1, 2022.

(c) 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.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601 of this act.

(14) \$14,669,000 of the connecting Washington account—state appropriation and \$3,037,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

(15) \$15,189,000 of the motor vehicle account—federal appropriation, \$259,000 of the motor vehicle account—state appropriation, and \$15,481,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(16) \$18,914,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

(17) \$1,000,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204).

(18) \$1,090,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

(19) \$12,139,000 of the motor vehicle account—state appropriation and \$9,104,000 of the connecting Washington account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

(20) \$1,378,000 of the motor vehicle account—federal appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

(21) \$915,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

(22) \$6,581,000 of the connecting Washington account—state appropriation is provided solely for the US Hwy 2 Safety project (N00200R).

(23) 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.

(24) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

(25) 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 70.95.805, 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.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Recreational Vehicle Account—State Appropriation	\$1,520,000
Transportation 2003 Account (Nickel Account)—State Appropriation	\$49,105,000
Transportation Partnership Account—State Appropriation	\$15,183,000
Motor Vehicle Account—State Appropriation	\$85,444,000
Motor Vehicle Account—Federal Appropriation	\$489,602,000
Motor Vehicle Account—Private/Local Appropriation	\$10,792,000
Connecting Washington Account—State Appropriation	\$159,043,000
State Route Number 520 Corridor Account—State Appropriation	\$1,891,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$9,730,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$314,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$26,039,000
TOTAL APPROPRIATION	\$848,663,000

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 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 2021-1 as developed April 23, 2021, 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.

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(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 2021-2 ALL PROJECTS as developed April 23, 2021, 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 or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. 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. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$5,166,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 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. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes 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) 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.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation	.....	\$8,273,000
Motor Vehicle Account—Federal Appropriation	.	\$5,289,000
Motor Vehicle Account—Private/Local Appropriation	.....	\$500,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	.....	\$900,000
TOTAL APPROPRIATION	.....	\$14,962,000

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

(1) \$579,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Challenge Seattle project (000009Q). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State Appropriation	.....	\$128,759,000
Puget Sound Capital Construction Account—Federal Appropriation	.....	\$139,188,000
Puget Sound Capital Construction Account—Private/Local Appropriation	.....	\$312,000
Transportation Partnership Account—State Appropriation	.....	\$8,410,000
Connecting Washington Account—State Appropriation	.....	\$75,640,000
Capital Vessel Replacement Account—State Appropriation	.....	\$152,453,000
TOTAL APPROPRIATION	.....	\$504,762,000

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 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Washington State Ferries Capital Program (W). No funds appropriated in this act or additional funds received through the unanticipated receipt process may be allocated or expended for terminal electrification purposes this biennium.

(2) For the 2021-2023 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 subsections (4), (5), (6), and (8) of 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.

(3) \$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.

(4) \$1,277,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) \$24,750,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) \$152,453,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(7) The capital vessel replacement account—state appropriation includes up to \$152,453,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) \$4,200,000 of the connecting Washington account—state appropriation and \$2,200,000 of the Puget Sound operating account—federal appropriation are provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State Appropriation	\$550,000
Transportation Infrastructure Account—State	

Appropriation	\$5,456,000
Multimodal Transportation Account—State	
Appropriation	\$82,493,000
Multimodal Transportation Account—Federal	
Appropriation	\$41,219,000
TOTAL APPROPRIATION	\$129,718,000

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 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Rail Program (Y).

(2) \$5,089,000 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 ten 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. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) \$6,817,000 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.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse 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. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$550,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train

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program by maintaining the Palouse river and Coulee City railroad.

(6) 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, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$33,964,000 of the multimodal transportation account—state appropriation and \$37,500,000 of the multimodal transportation account—federal appropriation are provided solely for Passenger Rail Equipment Replacement (project 700010C.) The appropriations in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) \$223,000 of the multimodal transportation account—state appropriation is provided solely for contingency funding for emergent freight rail assistance projects funded in subsection (3) of this section. Project sponsors may apply to the department for contingency funds needed due to unforeseeable cost increases. The department shall submit a report of any contingency funds provided under this subsection as part of the department's annual budget submittal.

(9) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation	\$793,000
Highway Infrastructure Account—Federal Appropriation	\$1,600,000
Transportation Partnership Account—State Appropriation	\$750,000
Motor Vehicle Account—State Appropriation	\$11,064,000
Motor Vehicle Account—Federal Appropriation	\$55,751,000
Motor Vehicle Account—Private/Local Appropriation	\$6,600,000
Connecting Washington Account—State Appropriation	\$123,292,000
Multimodal Transportation Account—State Appropriation	\$71,615,000
TOTAL APPROPRIATION.....	\$271,465,000

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 2021-2 ALL PROJECTS as developed April 23, 2021, Program - Local Programs Program (Z).

(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) \$32,613,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(b) \$19,344,000 of the motor vehicle account—federal appropriation and \$17,397,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) \$6,561,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) \$12,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) \$11,679,000 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 identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) 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 that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total

project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; (e) identifies risk reserves and contingency amounts allocated to projects; and (f) lists the nickel, TPA, and connecting Washington projects charging to the Nickel/TPA/CWA Environmental Mitigation Reserve (0BI4ENV) and the Nickel/TPA Projects Completed with Minor Ongoing Expenditures project (0BI100B), and the amount each project is charging.

(2) As part of its annual budget submittal, the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

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 capital projects, except for ferry projects subject to the reporting requirements established in section 309 of this act, that must include:

(1) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(2) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(3) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget; and

(4) Risk reserves and contingency amounts for all projects consistent with the structure of the most recently enacted budget.

NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

NEW SECTION. Sec. 315. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS

(1) The department 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 cancelled, 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.

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	\$904,000
Connecting Washington Account—State Appropriation	\$11,153,000
Special Category C Account—State Appropriation ..	\$412,000
Highway Bond Retirement Account—State Appropriation	\$1,483,793,000
Ferry Bond Retirement Account—State Appropriation	\$17,150,000
Transportation Improvement Board Bond Retirement Account—State Appropriation	\$11,770,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$29,323,000
Toll Facility Bond Retirement Account—State Appropriation	\$76,376,000
TOTAL APPROPRIATION	\$1,630,881,000

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	\$181,000
Connecting Washington Account—State Appropriation	\$2,231,000
Special Category C Account—State Appropriation	\$82,000
TOTAL APPROPRIATION	\$2,494,000

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	\$467,390,000
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

NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers \$1,974,599,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers

NEW SECTION. Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State
- (2)(a) Transportation Partnership Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State
- (b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.
- (3)(a) Transportation Partnership Account—State

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Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State..... \$30,293,000

(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.

(4)(a) Motor Vehicle Account—State Appropriation: For transfer to Alaskan Way Viaduct Account—State..... \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(5) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State..... \$7,666,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State..... \$5,511,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State..... \$9,331,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State..... \$9,688,000

(9) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State..... \$3,000,000

(10)(a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$2,000,000

(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.

(11) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,532,000

(12) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State..... \$35,000,000

(13)(a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Transportation Partnership Account—State..... \$10,305,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the Hybrid Electric Olympic Class (144-auto) Vessel #5 project (L2000329).

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State..... \$14,670,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State..... \$200,000,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State..... \$4,011,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State..... \$600,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage

Account—State \$1,500,000

(19) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State..... \$60,000,000

(20) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State..... \$27,679,000

(21) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State..... \$15,223,000

(22)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State..... \$22,884,000
(b) 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).

(23) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$950,000

(24) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State..... \$60,000,000

(25)(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(2) of this act.

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—Federal Appropriation \$199,129,000
Toll Facility Bond Retirement Account—State Appropriation \$25,372,000

TOTAL APPROPRIATION \$224,501,000

NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AMERICAN RESCUE PLAN ACT REVENUE LOSS DEPOSITS

Coronavirus State Fiscal Recovery Fund—Federal Appropriation \$600,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for expenditure into accounts in the amounts specified in subsection (2) of this section. These amounts are intended to compensate accounts for revenue losses in state fiscal years 2020 and 2021 relative to revenues collected in state fiscal year 2019 and shall be used to maintain government services pursuant to the federal American rescue plan act of 2021.

(2) The appropriation must be distributed to the following accounts in the amounts designated:

Multimodal Transportation Account—State \$115,611,000
Motor Vehicle Account—State \$99,416,000
Puget Sound Ferry Operations Account—State \$85,966,000
Connecting Washington Account—State \$67,663,000
Transportation Partnership Account—State \$39,547,000
State Route Number 520 Corridor Account—State \$59,567,000
Transportation 2003 Account (Nickel Account)—State \$28,681,000
State Patrol Highway Account—State \$12,358,000
Highway Safety Account—State..... \$8,219,000

Tacoma Narrows Toll Bridge Account—State	\$15,707,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State	\$32,893,000
Transportation Improvement Account—State	\$15,844,000
Rural Arterial Trust Account—State	\$3,092,000
County Arterial Preservation Account—State	\$1,939,000
State Route Number 520 Civil Penalties Account—State	\$5,442,000
Special Category C Account—State	\$3,975,000
Puget Sound Capital Construction Account—State	\$2,892,000
Aeronautics Account—State.....	\$777,000
School Zone Safety Account—State.....	\$393,000
Motorcycle Safety Education Account—State	\$18,000

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

Sections 503 through 520 of this act represent the results of the 2021-2023 collective bargaining process required under chapters 41.80, 47.64, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 520 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 520 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—OPEIU

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium. In addition, the following positions are not subject to the furlough requirement: Bid administrator, dispatch, dispatch coordinator, and relief positions.

NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—FASPAA

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—SEIU LOCAL 6

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that

positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—CARPENTERS

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—METAL TRADES

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. The arbitration award imposed and funding is provided to implement a 1.9% general wage decrease from July 1, 2021, through June 30, 2022, and exempted these employees from the furlough requirement.

NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA—PORT ENGINEERS

An agreement has been reached between the governor and the marine engineers' beneficial association port engineers pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs. The agreement provides that positions designated by the employer as not requiring backfill take 24 furlough days during the biennium.

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MATES

An agreement has been reached between the governor and the masters, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes a two percent wage increase for second mates, and does not include the furlough requirement.

NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P MASTERS

An agreement has been reached between the governor and the masters, mates, and pilots - masters pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either wage increases or the furlough requirement.

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NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MM&P WATCH CENTER SUPERVISORS

An agreement has been reached between the governor and the masters, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases but does include furloughs only for the following positions: Fleet facility security officers and workforce development leads.

NEW SECTION. Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—IBU

An agreement has been reached between the governor and the inlandboatmen's union of the Pacific pursuant to chapter 47.64 RCW through an interest arbitration award for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WFSE

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in position that do not require the position to be backfilled.

NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT—WPEA

An agreement has been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS

An agreement has been reached for the 2019-2021 biennium between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in position that do not require the position to be backfilled. The agreement includes and funding is provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to

request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. Sec. 520. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. Sec. 521. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the 2019-2021 agreement, 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, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1091 per eligible employee.

The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

NEW SECTION. Sec. 522. 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 \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed \$1091 per eligible employee.

NEW SECTION. Sec. 523. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

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 \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1091 per eligible employee.

NEW SECTION. Sec. 524. COMPENSATION—REVISE PENSION CONTRIBUTION RATES

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 525. JUNETEENTH HOLIDAY

Specific funding is provided in agency budgets for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing chapter . . . (Substitute House Bill No. 1016), Laws of 2021 (making Juneteenth a legal holiday). If chapter . . . (Substitute House Bill No. 1016), Laws of 2021 is not enacted by June 30, 2021, this section has no force and effect.

NEW SECTION. Sec. 526. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INLANDBOATMEN'S UNION OF THE PACIFIC

Puget Sound Ferry Operations Account—State
Appropriation \$2,798,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the inlandboatmen's union of the Pacific and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 527. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PACIFIC NORTHWEST REGIONAL COUNCIL OF CARPENTERS

Puget Sound Ferry Operations Account—State
Appropriation \$156,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Pacific Northwest regional council of carpenters and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 528. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL 8

Puget Sound Ferry Operations Account—State Appropriation
..... \$344,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the office and professional employees international union local 8 and approved in part V of this act. Expenditure of the amounts provided for this purpose 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.

Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 529. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FERRY AGENTS, SUPERVISORS, AND PROJECT ADMINISTRATORS ASSOCIATION

Puget Sound Ferry Operations Account—State Appropriation
..... \$344,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the ferry agents, supervisors, and project administrators association and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 530. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 6

Puget Sound Ferry Operations Account—State Appropriation
..... \$24,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the service employees international union local 6 and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 531. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MASTERS, MATES, AND PILOTS—WATCH CENTER SUPERVISORS

Puget Sound Ferry Operations Account—State Appropriation
..... \$150,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the masters, mates, and pilots - watch center supervisors and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 532. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MARINE ENGINEERS' BENEFICIAL ASSOCIATION PORT ENGINEERS

Puget Sound Ferry Operations Account—State Appropriation
..... \$84,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for

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eliminating the furlough days in the agreement reached with the marine engineers' beneficial association port engineers and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 533. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES

Motor Vehicle Account—State Appropriation	....	\$15,891,000
Highway Safety Account—State Appropriation	...	\$4,111,000
State Patrol Highway Account—State Appropriation	.....	\$1,661,000
Other Appropriated Funds	.....	\$1,038,000
TOTAL APPROPRIATION	.....	\$22,701,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 534. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION GENERAL GOVERNMENT

Motor Vehicle Account—State Appropriation	.....	\$88,000
State Patrol Highway Account—State Appropriation	.....	\$907,000
State Patrol Highway Account—Federal Appropriation	.....	\$68,000
TOTAL APPROPRIATION	.....	\$1,063,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association general government and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 535. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PROFESSIONAL AND TECHNICAL EMPLOYEES LOCAL 17

Motor Vehicle Account—State Appropriation	.....	\$2,105,000
Highway Safety Account—State Appropriation	...	\$2,108,000
State Patrol Highway Account—State Appropriation	.....	\$918,000
Other Appropriated Funds	.....	\$802,000
TOTAL APPROPRIATION	.....	\$5,933,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 536. FOR THE OFFICE OF FINANCIAL MANAGEMENT—THE COALITION OF UNIONS

State Patrol Highway Account—State Appropriation	.....	\$212,000
State Patrol Highway Account—Federal Appropriation	.....	\$18,000
TOTAL APPROPRIATION	.....	\$230,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the coalition of unions and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 537. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUGET SOUND METAL TRADES COUNCIL

Puget Sound Ferry Operations Account—State Appropriation	\$130,000
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The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the general wage deduction in the agreement reached through an interest arbitration award with the Puget Sound metal trades council and approved in part V of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP Transportation Document 2021 - Compensation, dated April 23, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 538. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS

Appropriations in this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 biennium:

- (1) Office and professional employees international union local 8;
- (2) Ferry agents, supervisors, and project administrators association;
- (3) Service employees international union local 6;
- (4) Pacific Northwest regional council of carpenters;
- (5) Marine engineers' beneficial association port engineers;
- (6) Masters, mates, and pilots - watch center supervisors;

- (7) Inlandboatmen's union of the Pacific;
- (8) Washington public employees association general government;
- (9) Washington federation of state employees;
- (10) Professional and technical employees local 17; and
- (11) The coalition of unions.

Expenditure of the amounts provided for this purpose 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.

NEW SECTION. Sec. 539. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING GENERAL WAGE DECREASE

Appropriations in this act provide sufficient funding solely for the purpose of eliminating the 1.9 percent wage reduction from July 1, 2021, to June 30, 2022, provided in the arbitration award for the Puget Sound metal trades council. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate modification of the agreement between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section.

NEW SECTION. Sec. 540. FORGONE GENERAL WAGE INCREASES

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

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 and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2021-1 as developed April 23, 2021, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-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 and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2021-2023 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 or connecting Washington 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) Except for transfers made under (l) of this subsection, transfers may only be made in fiscal year 2023;
- (i) The total amount of transfers under this section may not exceed \$50,000,000;
- (j) Except as otherwise provided in (l) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per biennium;
- (k) 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

(l) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed two hundred fifty thousand dollars or ten percent of the total project per 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 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 ten 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 biennium.

(7)(a) If the department of transportation receives federal funding not appropriated in this act, the department shall apply such funds to any of the following activities in lieu of state funds, if compliant with federal funding restrictions, and in the order that most reduces administrative burden and minimizes the use of bond proceeds:

- (i) Projects on LEAP Transportation Document 2021-2 ALL PROJECTS as developed April 23, 2021; or
- (ii) Other department of transportation operating or capital expenditures funded by appropriations from state accounts in this act.

(b) However, if the funds received may not be used for any of the purposes enumerated in this section and must be obligated before the next regular legislative session, then the department

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may program the funds for other transportation-related activities, provided that these actions do not initiate any new programs, policies, or expenditure levels requiring additional one-time or ongoing state funds that have not been expressly authorized by the legislature. The department shall follow the existing unanticipated receipt process to notify the legislative standing committees on transportation and the office of financial management of the amount of federal funds received in addition to those appropriated in this act and the projects or activities receiving funding through this process.

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 2022 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 reappropriated from the 2019-2021 fiscal biennium into the 2021-2023 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 2017 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 2021-2023 fiscal biennium into budgeting systems.

NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS

(1) The department of transportation shall post on its website every report that is due from the department to the legislature during the 2021-2023 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

NEW SECTION. Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) 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 2021-2 ALL PROJECTS as developed April 23, 2021. The report must address each modal category

separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES

(1) During the 2021-2023 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 in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 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 ten 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 three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. 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.

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NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discrete stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed

financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) Discrete financial budget codes to include at least the appropriation index and program index;
- (iv) Object and subobject codes of expenditures;
- (v) Anticipated deliverables;
- (vi) Historical budget and expenditure detail by fiscal year; and
- (vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;
- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;
- (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and
- (vi) Financial budget coding to include at least discrete financial coding for the project.

(4) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document, and when it was completed;
- (iii) Financial status of information technology projects under oversight;
- (iv) Coordination with agencies;
- (v) Monthly quality assurance reports, if applicable;
- (vi) Monthly office of the chief information officer status reports;
- (vii) Historical project budget and expenditures through fiscal year 2021;
- (viii) Budget and expenditures each fiscal month;
- (ix) Estimated annual maintenance and operations costs by fiscal year; and
- (x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:
 - (A) Office of the chief information officer;
 - (B) Agency project team; and
 - (C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(6) If the project affects more than one agency:

- (a) A separate technology budget and investment plan must be prepared for each agency; and
- (b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

- (a) Quality assurance for the project must report independently to the office of the chief information officer;
- (b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;
- (c) The technology budget must specifically identify the uses of any financing proceeds. No more than 30 percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1st and December 1st each calendar year any suspension or termination of a project in the previous six-month period to the legislative fiscal committees.

(10) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1st and December 1st each calendar year any additional projects to be subjected to this section that were identified in the previous six-month period to the legislative fiscal committees.

(11) The following transportation projects are subject to the conditions, limitations, and review provided in this section:

(a) For the Washington state patrol: Aerial criminal investigation tools;

(b) For the department of licensing: Website accessibility and usability; and

(c) For the department of transportation: Maintenance management system, land mobile radio system replacement, new csc system and operator, PROPEL – WSDOT support of one Washington, and capital systems replacement.

NEW SECTION. Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

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(1) The department of transportation is authorized, subject to the conditions in section 305(2) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline. If the department of transportation has entered into a financing agreement for the purposes specified in this subsection prior to June 30, 2021, this subsection has no force and effect.

Sec. 703. RCW 43.19.642 and 2019 c 416 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 twenty 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 ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 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. 704. RCW 46.20.745 and 2019 c 416 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 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ 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. 705. RCW 82.21.030 and 2020 c 20 s 1483 are each amended to read as follows:

(1)(a) A tax is imposed on the privilege of possession of hazardous substances in this state. Except as provided in (b) of this subsection, the rate of the tax is seven-tenths of one percent multiplied by the wholesale value of the substance. Moneys collected under this subsection (1)(a) must be deposited in the model toxics control capital account.

(b) Beginning July 1, 2019, the rate of the tax on petroleum products is one dollar and nine cents per barrel. The tax collected under this subsection (1)(b) on petroleum products must be deposited as follows, after first depositing the tax as provided in (c) of this subsection ~~((+))~~, except that during the 2021-2023 biennium the deposit as provided in (c) of this subsection may be prorated equally across each month of the biennium:

(i) Sixty percent to the model toxics control operating account created under RCW 70A.305.180;

(ii) Twenty-five percent to the model toxics control capital account created under RCW 70A.305.190; and

(iii) Fifteen percent to the model toxics control stormwater account created under RCW 70A.305.200.

(c) Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, fifty million dollars per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed two billion dollars per biennium attributable solely to an increase in revenue from the enactment of the act.

(d) The department must compile a list of petroleum products that are not easily measured on a per barrel basis. Petroleum products identified on the list are subject to the rate under (a) of this subsection in lieu of the volumetric rate under (b) of this

subsection. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet website. In compiling the list, the department may accept technical assistance from persons that sell, market, or distribute petroleum products and consider any other resource the department finds useful in compiling the list.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(3) Beginning July 1, 2020, and every July 1st thereafter, the rate specified in subsection (1)(b) of this section must be adjusted to reflect the percentage change in the implicit price deflator for nonresidential structures as published by the United States department of commerce, bureau of economic analysis for the most recent twelve-month period ending December 31st of the prior year.

Sec. 706. RCW 46.68.060 and 2019 c 416 s 705 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the ~~((and the))~~ 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account and the state patrol highway account.

Sec. 707. RCW 47.12.370 and 2003 c 187 s 1 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2) ~~((Tribal))~~ (a) Except as provided in (b) of this subsection, tribal governments shall only be eligible to participate in an exchange agreement if they:

~~((a))~~ (i) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

~~((b))~~ (ii) Agree that the property shall not be placed into trust status.

(b) During the 2021-2023 fiscal biennium, the restrictions in (a) of this subsection do not apply to any exchange agreement with a tribal government for the acquisition of real property required by the department for the SR 167/SR 509 Puget Sound Gateway project.

(3) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not

maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site.

Sec. 708. RCW 46.68.325 and 2019 c 416 s 708 are each amended to read as follows:

(1) The rural mobility grant program account is 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 47.66.100.

(2) Beginning September 2011, 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 rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the 2017-2019 ~~((and the))~~, 2019-2021, and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

Sec. 709. RCW 47.56.876 and 2019 c 416 s 710 are each amended to read as follows:

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 may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the 2017-2019 and the 2019-2021 fiscal biennia, 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 fiscal biennium, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

Sec. 710. RCW 46.68.370 and 2019 c 416 s 713 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 ~~((fund))~~ may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account 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 ~~((account fund))~~ fund such amounts as reflect the excess fund balance of the license plate technology account. During the 2019-2021 ~~((biennium))~~ and 2021-2023 biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

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Sec. 711. RCW 46.68.300 and 2019 c 416 s 714 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 approved 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 2019-2021 and 2021-2023 fiscal (~~(biennium))~~ biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

Sec. 712. RCW 47.60.322 and 2019 c 416 s 716 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. 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 2019-2021 and 2021-2023 fiscal (~~(biennium))~~ 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. 713. RCW 46.68.290 and 2020 c 219 s 705 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. 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;

(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 thirty 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 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During ~~((the 2017-2019 and))~~ the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account, the motor vehicle fund, the Tacoma Narrows toll bridge account, and the capital vessel replacement account.

Sec. 714. RCW 46.68.063 and 2019 c 416 s 712 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. 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 2019-2021 ~~((biennium))~~ and 2021-

2023 biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

Sec. 715. RCW 47.60.530 and 2017 c 313 s 714 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(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 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.

(7) During the 2021-2023 fiscal biennium, 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. 716. RCW 47.60.315 and 2019 c 431 s 3 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 of this act during the 2021-2023 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.

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(7) The commission shall impose a vessel replacement surcharge of twenty-five 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 twenty-five 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 web site.

(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 ten percent.

Sec. 717. RCW 34.05.350 and 2011 1st sp.s. c 2 s 1 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal 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 the public interest;

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule; or

(c) In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, ~~(2013)~~ 2013, or in an omnibus transportation appropriations act for the 2021-2023 biennium related to setting toll rates or ferry fares, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or

her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

Sec. 718. 2019 c 396 s 2 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission is created to carry out the functions of ~~((this))~~ chapter 396, Laws of 2019. The commission shall consist of fifteen voting members.

(2) The governor shall appoint thirteen voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of two million or more, one of whom shall represent a port in eastern Washington with an airport runway of at least thirteen thousand five hundred feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of four hundred thousand or more, and one representing an association of ports;

(b) Three as representatives from the airline industry and the private sector;

(c) Two citizen representatives with one appointed from eastern Washington and one appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the commission's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(d) A representative from the freight forwarding industry;

(e) A representative from the trucking industry;

(f) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and

(g) A representative from a statewide environmental organization.

(3) The remaining two members shall consist of:

(a) A representative from the department of commerce; and

(b) A representative from the division of aeronautics of the department of transportation.

(4) The commission shall invite the following nonvoting members:

(a) A representative from the Washington state aviation alliance;

(b) A representative from the department of defense;

(c) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by the president of the senate;

(d) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(e) A representative from the division of aeronautics of the department of transportation;

(f) A representative from an eastern Washington metropolitan planning organization;

(g) A representative from a western Washington metropolitan planning organization;

(h) A representative from an eastern Washington regional airport; and

(i) A representative from a western Washington regional airport.

(5) The governor may appoint additional nonvoting members as deemed appropriate.

(6) The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under ~~((this))~~ chapter 396, Laws of 2019.

(7) Legislative members of the commission are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The commission has all powers necessary to carry out its duties as prescribed by ~~((this))~~ chapter 396, Laws of 2019.

(8) The department of transportation shall provide staff support for coordinating and administering the commission and technical assistance as requested by commission members. The department shall consider cost-saving options such as using online conferencing tools. Meetings shall be held in Olympia, Washington unless resources allow for alternative locations.

(9) At the direction of the commission, and as resources allow, the department of transportation is authorized to hire a consultant to assist with the review and research efforts of the commission. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(10) The department of transportation shall convene the initial meeting of the commission as soon as practicable.

(11) This section expires ~~((July 1, 2022))~~ June 30, 2023.

Sec. 719. 2019 c 396 s 3 (uncodified) is amended to read as follows:

(1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

(a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands; ~~((and))~~

(b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:

(i) Initiating a broad review of potential sites;

(ii) Recommending a final short list of no more than six locations by ~~((January 1, 2021))~~ February 15, 2022;

(iii) Identifying the top two locations from the final six locations by ~~((September 1, 2021))~~ October 15, 2022; and

(iv) Identifying a single preferred location for a new primary commercial aviation facility by ~~((January 1, 2022))~~ February 15, 2023; and

(c) A projected timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by ~~((January 1, 2022))~~ February 15, 2023. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.

(3) 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.

(4) This section expires ((July 1, 2022)) June 30, 2023.

Sec. 720. RCW 46.09.540 and 2013 2nd sp.s. c 23 s 10 are each amended to read as follows:

(1) The multiuse roadway safety account is created in the motor vehicle fund. All receipts from vehicle license fees under RCW 46.17.350(1)(r) 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 grants administered by the department of transportation to: (a) Counties to perform safety engineering analysis of mixed vehicle use on any road within a county; (b) local governments to provide funding to erect signs providing notice to the motoring public that (i) wheeled all-terrain vehicles are present or (ii) wheeled all-terrain vehicles may be crossing; (c) the state patrol or local law enforcement for purposes of defraying the costs of enforcement of chapter 23, Laws of 2013 2nd sp. sess.; ~~((and))~~ (d) law enforcement to investigate accidents involving wheeled all-terrain vehicles; and (e) during the 2021-2023 biennium grants may be made to counties to (i) enhance or maintain any segment of a road within the county in which the segment has been designated as part of a travel or tourism route for use by wheeled all-terrain vehicles; and (ii) purchase, print, develop, or use educational brochures or mapping technology that aids in the safety and direction of users of wheeled all-terrain vehicle routes.

(2) The department of transportation must prioritize grant awards in the following priority order:

(a) For the purpose of marking highway crossings with signs warning motorists that wheeled all-terrain vehicles may be crossing when an ORV recreation facility parking lot is on the other side of a public roadway from the actual ORV recreation facility; and

(b) For the purpose of marking intersections with signs where a wheeled all-terrain vehicle may cross a public road to advise motorists of the upcoming intersection. Such signs must conform to the manual on uniform traffic control devices.

Sec. 721. RCW 47.66.120 and 2019 c 287 s 18 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, 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:

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(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.

(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 for that project that is at least equal to twenty percent of the total cost of the project.

(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.

2019-2021 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 801. 2019 c 416 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation((~~\$545,000~~))
\$536,000

Sec. 802. 2020 c 219 s 101 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation .((~~\$1,419,000~~))
\$1,388,000

Multimodal Transportation Account—State Appropriation \$300,000

Puget Sound Ferry Operations Account—State Appropriation \$121,000

TOTAL APPROPRIATION.....((~~\$1,840,000~~))
\$1,809,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By

November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

Sec. 803. 2020 c 219 s 102 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ((~~\$1,359,000~~))
\$1,350,000

Sec. 804. 2019 c 416 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation ... ((~~\$652,000~~))
\$647,000

Sec. 805. 2020 c 219 s 104 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation ((~~\$3,082,000~~))
\$3,052,000

Sec. 806. 2020 c 219 s 105 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account—State Appropriation \$2,999,000
TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2020 c 219 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account—State	Appropriation
			((\$4,675,000))
			<u>\$4,647,000</u>

Highway	Safety	Account—Federal	Appropriation
			((\$27,051,000))
			<u>\$26,943,000</u>

Highway	Safety	Account—Private/Local	Appropriation
			\$118,000

School Zone Safety Account—State	Appropriation	\$850,000
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TOTAL APPROPRIATION ((~~\$32,694,000~~))
\$32,558,000

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

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54, Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) 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, 2020.

(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 two hundred 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 web site 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 fourteen 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 section 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 (2); and

(vii) By June 30, 2021, 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.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter 224, Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

(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 neither chapter 224, Laws of 2020 nor chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

Sec. 902. 2020 c 219 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	\$1,137,000
Motor Vehicle Account—State Appropriation ((\$2,920,000))	<u>\$2,995,000</u>
County Arterial Preservation Account—State Appropriation	\$1,677,000
TOTAL APPROPRIATION	((\$5,734,000))
	<u>\$5,809,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

Sec. 903. 2020 c 219 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	((\$3,854,000))
	<u>\$3,825,000</u>

Sec. 904. 2020 c 219 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation ((\$2,187,000))	<u>\$2,173,000</u>
Multimodal Transportation Account—State Appropriation	((\$917,000))
	<u>\$895,000</u>
Highway Safety Account—State Appropriation	\$275,000
TOTAL APPROPRIATION	((\$3,379,000))
	<u>\$3,343,000</u>

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

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; (c) recommendations on whether a revision

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to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of

commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) (~~(\$250,000)~~) \$228,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) \$235,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation committees of the legislature by February 15, 2021.

Sec. 905. 2020 c 219 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	((\$2,324,000))
	<u>\$1,861,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.....	((\$410,000))
	<u>\$406,000</u>
State Route Number 520 Corridor Account—State Appropriation	((\$271,000))
	<u>\$262,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	((\$158,000))
	<u>\$152,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	((\$136,000))
	<u>\$132,000</u>
TOTAL APPROPRIATION	((\$3,299,000))
	<u>\$2,813,000</u>

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications shall be developed that propose to:

(A) Create a framework for modeling the effects of a road usage charge on passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;

(B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use

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of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(i) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020, and by January 1, 2021.

(c) \$150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

Sec. 906. 2020 c 219 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State	
Appropriation	(\$772,000)
	<u>\$766,000</u>

Sec. 907. 2020 c 219 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State	Appropriation	
.....		(\$501,294,000)
		<u>\$495,785,000</u>
State Patrol Highway Account—Federal	Appropriation	
.....		(\$16,081,000)
		<u>\$15,978,000</u>
State Patrol Highway Account—Private/Local	Appropriation	
.....		(\$4,258,000)
		<u>\$4,257,000</u>
Highway Safety Account—State	Appropriation	\$1,188,000
Ignition Interlock Device Revolving Account—State	Appropriation	\$7,010,000
Multimodal Transportation Account—State	Appropriation	
.....		(\$286,000)
		<u>\$274,000</u>
Interstate 405 and State Route Number 167 Express	Toll Lanes Account—State	Appropriation
.....		\$1,182,000
State Route Number 520 Corridor Account—State	Appropriation	\$1,988,000
Tacoma Narrows Toll Bridge Account—State	Appropriation	\$1,158,000
Alaskan Way Viaduct Replacement Project	Account—State	Appropriation
.....		\$996,000
TOTAL APPROPRIATION		(\$535,441,000)
		<u>\$529,816,000</u>

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

(1) 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.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) ~~(\$2,342,000)~~ \$1,556,000 of the state patrol highway account—state appropriation is provided solely to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$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, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar 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, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees 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; and

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of ~~(Senate Bill No. 6218)~~ chapter 97, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If ~~(Senate Bill No. 6218)~~ chapter 97, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((46))~~ (15) \$975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

~~((47))~~ (16) \$830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

~~((48))~~ (17) \$150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

Sec. 908. 2020 c 219 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	(\$5,052,000)
	<u>\$5,023,000</u>
State Wildlife Account—State Appropriation	(\$511,000)
	<u>\$510,000</u>

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Highway Safety Account—State	Appropriation	
	((<u>\$242,965,000</u>))
		<u>\$226,935,000</u>
Highway Safety Account—Federal	Appropriation	\$1,294,000
Motor Vehicle Account—State	Appropriation	.....((<u>\$71,447,000</u>))
		<u>\$64,548,000</u>
Motor Vehicle Account—Federal	Appropriation	..... \$186,000
Motor Vehicle Account—Private/Local	Appropriation	..... \$10,008,000
Ignition Interlock Device Revolving Account—State	Appropriation	.....((<u>\$5,779,000</u>))
		<u>\$5,265,000</u>
Department of Licensing Services Account—State	Appropriation	.....((<u>\$7,696,000</u>))
		<u>\$7,685,000</u>
License Plate Technology Account—State	Appropriation	..... \$4,250,000
Abandoned Recreational Vehicle Account—State	Appropriation	..... \$2,925,000
Limousine Carriers Account—State	Appropriation	..... \$113,000
Electric Vehicle Account—State	Appropriation	..... \$264,000
DOL Technology Improvement & Data Management	Account—State	Appropriation \$2,250,000
Agency Financial Transaction Account—State	Appropriation	..... \$11,903,000
TOTAL APPROPRIATION		.....((<u>\$366,677,000</u>))
		<u>\$343,193,000</u>

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

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65, Laws of 2019 (motorcycle safety). If chapter 65, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020.

(3) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 ~~((of this act))~~, chapter 219, Laws of 2020.

(4) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, 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/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(5) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417, Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417, Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177, Laws of 2019 (San Juan Islands license plate). If chapter 177, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(7) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384, Laws of 2019 (Seattle Storm license plate). If chapter 384, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(8) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2019 (immigrants in the workplace). If chapter 440, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717, chapter 416, Laws of 2019 on a quarterly basis.

(10) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417, Laws of 2019 (vehicle service fees). If chapter 417, Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

(11) \$2,650,000 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.

(12) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210, Laws of 2019 (Gold Star license plate). If chapter 210, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(13) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262, Laws of 2019 (snow bikes). If chapter 262, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(14) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139, Laws of 2019 (Purple Heart license plate). If chapter 139, Laws of 2019 is

not enacted by June 30, 2019, the amount provided in this subsection lapses.

(15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278, Laws of 2019 (vehicle and vessel owner information). If chapter 278, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(16) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(18) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

(19) ~~(\$1,674,000)~~ \$1,174,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a ~~((culturally responsive))~~ culturally responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 ~~((of this act))~~, chapter 219, Laws of 2020.

~~((26))~~ (22) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 78, Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter 78, Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((28))~~ (23) \$114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 124, Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter 124, Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((29))~~ (24) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 129, Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter 129, Laws of 2020 nor chapter . . . (Senate Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((30))~~ (25) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((31))~~ (26) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 118, Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter 118, Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((32))~~ (27) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter 148, Laws of 2020 (state wildlife account). If chapter 148, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((33))~~ (28) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 93, Laws of 2020 (apples special license plate). If chapter 93, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((34))~~ (29) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2020 (stolen vehicle check). If chapter 239, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((36))~~ (30) \$40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the recommended method to achieve the greatest level of customer payment compliance.

~~((37))~~ (31)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a

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report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

Sec. 909. 2020 c 219 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	(\$59,059,000) <u>\$36,503,000</u>
State Route Number 520 Civil Penalties Account—State Appropriation	(\$4,145,000) <u>\$20,230,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$33,806,000) <u>\$34,073,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation.....	(\$21,616,000) <u>\$19,857,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	(\$27,457,000) <u>\$23,637,000</u>
TOTAL APPROPRIATION.....	(\$146,083,000) <u>\$134,300,000</u>

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 \$11,034,000 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 quarterly 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;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose

lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) 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)(a) (~~(\$2,114,000)~~) \$1,406,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, (~~(\$4,920,000)~~) \$3,269,000 of the state route number 520 corridor account—state appropriation, (~~(\$2,116,000)~~) \$1,407,000 of the Tacoma Narrows toll bridge account—state appropriation, and (~~(\$2,776,000)~~) \$1,844,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 219, Laws of 2020.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(5) (~~(\$24,735,000)~~) \$21,623,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation

is provided solely for operational costs related to the express toll lane facility.

(6) ~~(In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point of payment technologies that lower costs or improve operational efficiencies.~~

~~(7) \$18,840,000)~~ \$18,013,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

~~((8))~~ ~~(7)~~ \$608,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

~~((9))~~ ~~(8)~~ The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

Sec. 910. 2020 c 219 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State	Appropriation	
.....	.....	\$1,460,000
Motor Vehicle Account—State	Appropriation	
.....	.....	(\$96,331,000)
		<u>\$93,032,000</u>

Puget Sound Ferry Operations Account—State	Appropriation	
.....	.....	\$263,000
Multimodal Transportation Account—State	Appropriation	
.....	.....	(\$2,878,000)

\$2,665,000

Transportation 2003 Account (Nickel Account)—State	Appropriation	
.....	.....	\$1,460,000
TOTAL APPROPRIATION	.....	(\$102,392,000)
		<u>\$98,880,000</u>

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

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act))~~, chapter 219, Laws of 2020. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 ~~((of this act))~~, chapter 219, Laws of 2020, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department may use the distributed direct program support or other cost allocation method to fund a new capital systems replacement or modernization project. The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

Sec. 911. 2020 c 219 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	
.....	.....	(\$34,807,000)
		<u>\$33,819,000</u>
State Route Number 520 Corridor Account—State	Appropriation	
.....	.....	\$34,000
TOTAL APPROPRIATION	.....	(\$34,841,000)
		<u>\$33,853,000</u>

Sec. 912. 2020 c 219 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

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Aeronautics Account—State Appropriation	(\$7,743,000)
	<u>\$6,773,000</u>
Aeronautics Account—Federal Appropriation	\$3,043,000
Aeronautics Account—Private/Local Appropriation	\$.60,000
TOTAL APPROPRIATION.....	(\$10,846,000)
	<u>\$9,876,000</u>

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

(1) (~~\$2,862,000~~) \$2,505,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) (~~\$268,000~~) \$218,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements.

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measurable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

(4) (~~\$350,000~~) \$193,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396, Laws of 2019 (aviation coordinating commission).

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation

with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

Sec. 913. 2020 c 219 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State	Appropriation
.....	(\$59,788,000)
	<u>\$55,549,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$258,000
TOTAL APPROPRIATION	(\$60,546,000)
	<u>\$56,307,000</u>

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities.

Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

Sec. 914. 2020 c 219 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation	(\$670,000)	<u>\$654,000</u>
Electric Vehicle Account—State Appropriation	(\$2,000,000)	<u>\$100,000</u>
Multimodal Transportation Account—State Appropriation	(\$1,634,000)	<u>\$350,000</u>
TOTAL APPROPRIATION.....	(\$4,304,000)	<u>\$1,104,000</u>

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

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) ~~(\$2,000,000)~~ \$100,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

~~(4) (\$1,200,000 of the multimodal transportation account—state appropriation is 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.~~

~~(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance.~~

~~(6)) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.~~

Sec. 915. 2020 c 219 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	(\$486,514,000)	<u>\$461,472,000</u>
Motor Vehicle Account—Federal Appropriation		\$7,000,000
State Route Number 520 Corridor Account—State Appropriation	(\$4,447,000)	<u>\$4,422,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$1,549,000)	<u>\$1,539,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(\$9,537,000)	<u>\$8,844,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation		\$4,528,000
TOTAL APPROPRIATION	(\$513,575,000)	<u>\$487,805,000</u>

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

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) ~~(\$4,447,000)~~ \$4,422,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

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(3) (~~(\$1,549,000)~~) \$1,539,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) \$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.

(7) \$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. The department must contract out or hire 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.

(8) \$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. The program shall 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 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.

(9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 916. 2020 c 219 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—			
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING			
Motor Vehicle Account—State	Appropriation		
.....
			<u>(\$76,211,000)</u>
			<u>\$73,219,000</u>
Motor Vehicle Account—Federal Appropriation ..	\$2,050,000		
Motor Vehicle Account—Private/Local	Appropriation		
.....
			<u>\$250,000</u>

State Route Number 520 Corridor Account—State	
Appropriation	<u>(\$53,000)</u>
	<u>\$49,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	
.....	<u>(\$31,000)</u>
	<u>\$40,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation	<u>(\$26,000)</u>
	<u>\$32,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	<u>(\$32,000)</u>
	<u>\$21,000</u>
TOTAL APPROPRIATION	<u>(\$78,653,000)</u>
	<u>\$75,661,000</u>

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 2019-2021 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 organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport 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.

(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 (2) 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) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) ~~(\$32,000)~~ \$21,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$53,000)~~ \$49,000 of the state route number 520 corridor account—state appropriation, ~~(\$31,000)~~ \$40,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$26,000)~~ \$32,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 917. 2020 c 219 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State	Appropriation	(\$38,251,000)
		<u>\$35,914,000</u>
Motor Vehicle Account—Federal Appropriation ..		\$1,380,000
Motor Vehicle Account—Private/Local	Appropriation	\$500,000
Multimodal Transportation Account—State	Appropriation	\$1,129,000
State Route Number 520 Corridor Account—State	Appropriation.....	(\$199,000)
		<u>\$185,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation	(\$116,000)
		<u>\$150,000</u>
Alaskan Way Viaduct Replacement Project Account—	State Appropriation.....	(\$100,000)
		<u>\$121,000</u>
Interstate 405 and State Route Number 167 Express	Toll Lanes Account—State Appropriation	(\$119,000)
		<u>\$78,000</u>
TOTAL APPROPRIATION.....		(\$41,794,000)
		<u>\$39,457,000</u>

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

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The

department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

(4) ~~(\$119,000)~~ \$78,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$199,000)~~ \$185,000 of the state route number 520 corridor account—state appropriation, ~~(\$116,000)~~ \$150,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$100,000)~~ \$121,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 918. 2020 c 219 s 218 (uncodified) is amended to read as follows:

**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.....	(\$3,123,000)
		<u>\$121,000</u>
Motor Vehicle Account—State	Appropriation	(\$26,587,000)
		<u>\$24,053,000</u>
Motor Vehicle Account—Federal	Appropriation	(\$35,385,000)
		<u>\$32,508,000</u>
Motor Vehicle Account—Private/Local	Appropriation	\$1,200,000
Multimodal Transportation Account—State	Appropriation	\$710,000
Multimodal Transportation Account—Federal	Appropriation	\$2,809,000
Multimodal Transportation Account—Private/Local	Appropriation	\$100,000
State Route Number 520 Corridor Account—State	Appropriation	(\$763,000)
		<u>\$150,000</u>
(Tacoma Narrows Toll Bridge Account—State	Appropriation	\$121,000

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Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.....	(\$104,000)
TOTAL APPROPRIATION.....	(\$70,902,000)
	\$61,651,000

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

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) ~~(\$4,600,000)~~ \$673,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$1,050,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

~~(\$3,000,000)~~ (6) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for updating the state route number 167 master plan. If chapter 421, Laws of 2019 (addressing tolling) is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~(((6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.))~~

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) ~~(\$556,000)~~ \$150,000 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 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 testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by ~~((December))~~ March 1, ((2021)) 2022.

(9) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

Sec. 919. 2020 c 219 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation	(\$79,474,000)
	\$82,467,000
Multimodal Transportation Account—State Appropriation	\$2,833,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.....	(\$122,000)
	\$9,000
State Route Number 520 Corridor Account—State Appropriation	(\$205,000)
	\$22,000
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$120,000)
	\$17,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(\$102,000)
	\$14,000
TOTAL APPROPRIATION	(\$82,856,000)
	\$85,362,000

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 five million dollars, 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) Beginning October 1, 2019, and quarterly 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) Beginning October 1, 2019, and quarterly 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) ~~(((\$122,000)) \$9,000~~ of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(((\$205,000)) \$22,000~~ of the state route number 520 corridor account—state appropriation, ~~(((\$120,000)) \$17,000~~ of the Tacoma Narrows toll bridge account—state appropriation, and ~~(((\$102,000)) \$14,000~~ of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

(5) 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. 920. 2020 c 219 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation	(((\$88,698,000)) \$78,159,000
Rural Mobility Grant Program Account—State Appropriation	\$32,223,000
Multimodal Transportation Account—State Appropriation	(((\$122,355,000)) \$115,948,000
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
Multimodal Transportation Account—Local Appropriation	\$100,000
TOTAL APPROPRIATION.....	(((\$247,734,000)) \$230,788,000

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

(1) \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,297,000 of the multimodal transportation account—state appropriation is 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. Fuel type may not be a factor in the grant selection process.

(b) \$48,401,000 of the multimodal transportation account—state appropriation is 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 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$32,223,000 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)(a) \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2020)) 2021-2 ALL PROJECTS~~ as developed ~~((March 11, 2020)) April 23, 2021~~, Program - Public Transportation Program (V).

(5)(a) ~~(((\$61,215,000)) \$50,676,000~~ of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2020)) 2021-2 ALL PROJECTS~~ as developed ~~((March 11, 2020)) April 23, 2021~~, 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, 2019, and December 15, 2020, 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 twenty-five percent of the amount appropriated in this subsection. ~~((Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee.))~~ The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

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(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 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.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$7,670,000 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. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) (~~(\$1,000,000)~~) \$200,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, (~~(\$33,370,000)~~) \$32,008,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2020)~~) 2021-2 ALL PROJECTS as developed

(~~(March 11, 2020)~~) April 23, 2021. It is the intent of the legislature that entities identified to receive funding in the LEAP 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 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.

(9) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants. Fuel type may not be a factor in the grant selection process.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (G2000045).

(b) At least ten business days before advancing 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 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) (~~(\$12,000,000)~~) \$7,007,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles.

~~((47))~~ (16) 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 allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) 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 biennium;

(c) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document (~~(2020)~~) 2021-2 ALL PROJECTS as developed (~~(March 11, 2020)~~) April 23, 2021;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

~~((48))~~ (17)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management – Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the

transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

Sec. 921. 2020 c 219 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Account—State Appropriation.....	\$250,000
Puget Sound Ferry Operations Account—State Appropriation	(\$545,997,000)
	<u>\$486,710,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	(\$7,932,000)
	<u>\$47,169,000</u>
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
TOTAL APPROPRIATION	(\$554,300,000)
	<u>\$534,250,000</u>

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 2019-2021 supplemental and 2021-2023 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.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) (~~(\$73,161,000)~~) \$67,052,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703, chapter 416, Laws of 2019. 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.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$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.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include

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numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

(11) \$1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) \$4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) \$1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

(16) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

Sec. 922. 2020 c 219 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State	
Appropriation	(\$70,244,000)
	\$45,883,000
Multimodal Transportation Account—Private/Local	
Appropriation	\$717,000
(Multimodal Transportation Account—Federal	
Appropriation	(\$500,000)
TOTAL APPROPRIATION	(\$71,461,000)
	\$46,600,000

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

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

(d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the

design, construction, or operation of an ultra high-speed rail corridor.

(e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

Sec. 923. 2020 c 219 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State	Appropriation	.....((\$12,187,000))
		<u>\$11,854,000</u>
Motor Vehicle Account—Federal	Appropriation ..	\$2,567,000
Multiuise Roadway Safety Account—State	Appropriation	.....\$450,000
Multimodal Transportation Account—State	Appropriation	\$350,000
TOTAL APPROPRIATION.....		((\$15,554,000))
		<u>\$15,221,000</u>

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

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 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) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where

possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

(4) \$280,000 of the motor vehicle account—state appropriation is provided solely for Wahkiakum county for operation of the ferry between Puget Island and Westport, Oregon. These funds are provided outside the existing continuing agreement described in RCW 47.56.720, are not appropriated for that purpose, and therefore do not constitute payments under the agreement.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2020 c 219 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State	Appropriation	((\$23,015,000))
		<u>\$17,344,000</u>
Highway Safety Account—State	Appropriation	\$81,000
Motor Vehicle Account—State	Appropriation..	((\$4,907,000))
		<u>\$3,165,000</u>
Freight Mobility Multimodal Account—State	Appropriation	((\$4,992,000))
		<u>\$4,454,000</u>
Motor Vehicle Account—Federal	Appropriation ..	\$1,899,000
Freight Mobility Multimodal Account—Private/Local	Appropriation	\$1,250,000
TOTAL APPROPRIATION		((\$36,144,000))
		<u>\$28,193,000</u>

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document (~~(2020-3 as developed March 11, 2020, Conference FMSIB Project List)~~ 2021-2 ALL PROJECTS as developed April 23, 2021, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

~~((4))~~ (3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility

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transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

Sec. 1002. 2020 c 219 s 302 (unmodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Table with 2 columns: Description and Amount. Rows include Rural Arterial Trust Account—State Appropriation, Motor Vehicle Account—State Appropriation, County Arterial Preservation Account—State Appropriation, and TOTAL APPROPRIATION.

Sec. 1003. 2020 c 219 s 304 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Table with 2 columns: Description and Amount. Rows include Motor Vehicle Account—State Appropriation, Connecting Washington Account—State Appropriation, and TOTAL APPROPRIATION.

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

(1) (((\$51,523,000)) \$50,746,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) (((\$43,297,000)) \$41,827,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed (((\$46,500,000)) \$45,032,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building.

Sec. 1004. 2020 c 219 s 305 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Table with 2 columns: Description and Amount. Rows include Transportation Partnership Account—State Appropriation, Motor Vehicle Account—State Appropriation, Motor Vehicle Account—Federal Appropriation, and Motor Vehicle Account—Private/Local Appropriation.

Table with 2 columns: Description and Amount. Rows include Connecting Washington Account—State Appropriation, Special Category C Account—State Appropriation, Multimodal Transportation Account—State Appropriation, Alaskan Way Viaduct Replacement Project Account—State Appropriation, Transportation 2003 Account (Nickel Account)—State Appropriation, Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation, and TOTAL APPROPRIATION.

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 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 ((2020) 2021-1 as developed ((March 11, 2020)) April 23, 2021, 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)) 601 of this act, chapter . . . Laws of 2021 (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 ((2020) 2021-2 ALL PROJECTS as developed ((March 11, 2020)) April 23, 2021, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, ((additional congressional action not related to a specific project or purpose,)) or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. 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. The department shall submit a report on fiscal year funds 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 (((\$1,835,325,000)) \$1,085,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to (((\$24,910,000)) \$19,123,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to (((\$162,658,000)) \$176,140,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) (~~(\$168,757,000)~~) \$162,005,000 of the transportation partnership account—state appropriation, (~~(\$19,790,000)~~) \$17,898,000 of the motor vehicle account—private/local appropriation, \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and (~~(\$1,838,000)~~) \$854,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

(9) (~~(\$3,000,000)~~) \$2,667,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(10) (~~(\$168,655,000)~~) \$148,097,000 of the connecting Washington account—state appropriation, \$1,052,000 of the special category C account—state appropriation, and (~~(\$738,000)~~) \$1,338,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

(11) (~~(\$82,991,000)~~) \$29,187,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(12) (~~(\$422,099,000)~~) \$356,007,000 of the connecting Washington account—state appropriation and (~~(\$456,000)~~) \$400,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

(13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(14) (~~(\$310,469,000)~~) \$172,911,000 of the connecting Washington account—state appropriation (~~(is)~~), \$15,099,000 of the motor vehicle account—private/local appropriation, and \$1,500,000 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) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) 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 develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. 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.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the

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legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

(15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(16) ~~(\$1,029,000)~~ \$1,030,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

(17) 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.

(18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

(19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(20)(a) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 ~~((of this act))~~, chapter 219, Laws of 2020, the department shall prioritize advancing the following projects if expected reappropriations become available:

- (i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);
- (ii) SR 305 Construction - Safety Improvements (N30500R);
- (iii) SR 14/Bingen Underpass (L2220062);
- (iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);
- (v) US Hwy 2 Safety (N00200R);
- (vi) US-12/Walla Walla Corridor Improvements (T20900R);
- (vii) I-5 JBLM Corridor Improvements (M00100R);
- (viii) I-5/Slater Road Interchange - Improvements (L1000099);
- (ix) SR 510/Yelm Loop Phase 2 (T32700R); or
- (x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(21) 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 70.95.805, 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.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

(22)(a) ~~(\$17,500,000)~~ \$8,072,000 of the motor vehicle account—state appropriation ~~(is)~~ and \$7,329,000 of the motor vehicle account—private/local appropriation are provided solely for staffing of a project office ((to replace the Interstate 5 bridge across the Columbia river (G2000088)) for the I-5 Interstate Bridge Replacement project (L2000370). ((If at least a \$9,000,000 transfer is not authorized in section 406(29), chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.))

~~(b) ((Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.~~

~~(e))~~ The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

~~((d))~~ (c) Within the amount provided in this subsection, the department must implement chapter 137, Laws of 2019 (projects of statewide significance).

~~((e))~~ (d) The department shall have as a goal to:

- (i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;
- (ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

~~(23) ((\$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088)).~~

~~(24))~~(a) \$191,360,000 of the connecting Washington account—state appropriation, \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and \$18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OB14001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(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) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier Removal project (OB14001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((25))~~ ~~(24)~~(a) The Washington state department of transportation is directed to pursue compliance with the *U.S. v. Washington* permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan. The department and Brian Abbott fish barrier removal board must submit the final comprehensive statewide culvert remediation plan and the process by which it

will be adaptively managed over time to the governor and the legislative fiscal committees by June 30, 2021.

~~((26) \$16,649,000))~~ ~~(25)~~ \$4,880,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and ~~(((\$6,000,000))~~ \$113,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ~~((2020))~~ 2021-1 as developed ~~((March 11, 2020))~~ April 23, 2021, Program – Highway Improvements (I).

~~((27))~~ ~~(26)~~(a) ~~(((\$6,799,000))~~ \$3,901,000 of the motor vehicle account—federal appropriation, ~~(((\$31,000))~~ \$34,000 of the motor vehicle account—state appropriation, ~~(((\$3,812,000 of the transportation partnership account—state appropriation,))~~ and ~~(((\$7,000,000))~~ \$4,519,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019 by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

~~((28))~~ ~~(27)~~ For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421, Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421, Laws of 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

~~((29) \$7,985,000))~~ ~~(28)~~ \$7,071,000 of the Special Category C account—state appropriation ~~((and \$1,000,000 of the motor vehicle account—private/local appropriation are))~~ is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((30))~~ ~~(29)~~ \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

~~((31) \$622,000))~~ ~~(30)~~ \$200,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((32) \$12,916,000))~~ ~~(31)~~ \$777,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

~~((33) \$1,000,000))~~ ~~(32)~~ \$1,001,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$1,227,000 of the motor vehicle account—federal appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((34) \$1,000,000))~~ ~~(33)~~ \$85,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

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~~((36) 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 allotment modification, reductions in the appropriated 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 biennium;~~

~~(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;~~

~~(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and~~

~~(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.)~~

Sec. 1005. 2020 c 219 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State	Appropriation	
.....		\$2,971,000
Transportation Partnership Account—State	Appropriation	
.....		((20,248,000))
		<u>\$20,181,000</u>
Motor Vehicle Account—State	Appropriation	
.....		((82,447,000))
		<u>\$87,755,000</u>
Motor Vehicle Account—Federal	Appropriation	
.....		((490,744,000))
		<u>\$498,257,000</u>
Motor Vehicle Account—Private/Local	Appropriation	
.....		((7,408,000))
		<u>\$7,660,000</u>
State Route Number 520 Corridor Account—State	Appropriation	
.....		((326,000))
		<u>\$395,000</u>
Connecting Washington Account—State	Appropriation	
.....		((204,630,000))
		<u>\$178,258,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation	
.....		((8,350,000))
		<u>\$1,078,000</u>
Alaskan Way Viaduct Replacement Project Account—State	Appropriation	
.....		((10,000))
		<u>\$79,000</u>
Interstate 405 and State Route Number 167 Express	Toll Lanes Account—State Appropriation	
.....		((3,018,000))
		<u>\$1,457,000</u>
Transportation 2003 Account (Nickel Account)—State	Appropriation	
.....		\$17,892,000
TOTAL APPROPRIATION		((838,044,000))
		<u>\$815,983,000</u>

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 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 ~~((2020))~~ 2021-1 as developed ~~((March 11, 2020))~~ April 23, 2021, 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))~~ 601 of this act, chapter . . . Laws of 2021 (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 ~~((2020))~~ 2021-2 ALL PROJECTS as developed ~~((March 11, 2020))~~ April 23, 2021, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, ~~((additional congressional action not related to a specific project or purpose,))~~ or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. 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. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ~~((26,683,000))~~ \$21,517,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act)),~~ chapter 219, Laws of 2020. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ~~((4,000,000))~~ \$5,000,000 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. 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. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes 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.

(7) \$21,289,000 of the motor vehicle account—federal appropriation and \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10) 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.

Sec. 1006. 2020 c 219 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation	(\$7,746,000)
	<u>\$6,296,000</u>
Motor Vehicle Account—Federal Appropriation	(\$6,137,000)
	<u>\$5,039,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$579,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$100,000
TOTAL APPROPRIATION.....	(\$14,562,000)
	<u>\$12,014,000</u>

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

~~((+)\$700,000)~~ \$121,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

Sec. 1007. 2020 c 219 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State Appropriation	(\$116,253,000)
	<u>\$85,281,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	(\$198,688,000)
	<u>\$177,352,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	(\$4,779,000)
	<u>\$4,575,000</u>

Transportation Partnership Account—State Appropriation	(\$6,582,000)
	<u>\$2,312,000</u>
Connecting Washington Account—State Appropriation	\$112,426,000
Capital Vessel Replacement Account—State Appropriation	(\$96,030,000)
	<u>\$35,547,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	\$986,000
TOTAL APPROPRIATION	(\$535,744,000)
	<u>\$418,479,000</u>

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 ~~((2020))~~ 2021-2 ALL PROJECTS as developed ~~((March 11, 2020))~~ April 23, 2021, Program - Washington State Ferries Capital Program (W).

(2) \$2,857,000 of the Puget Sound capital construction account—state appropriation, ~~(((\$17,832,000))~~ \$18,818,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ~~(((\$102,641,000))~~ \$94,643,000 of the Puget Sound capital construction account—federal appropriation, \$47,819,000 of the connecting Washington account—state appropriation, and \$4,355,000 of the Puget Sound capital construction account—local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,357,000 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.

(5) ~~(((\$2,300,000))~~ \$2,224,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) ~~(((\$35,000,000))~~ \$10,776,000 of the Puget Sound capital construction account—state appropriation and \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. ~~((The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.))~~

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(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 ((of this act)), chapter 219, Laws of 2020.

(9) ~~(\$96,030,000)~~ \$35,547,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to ~~(\$96,030,000)~~ \$35,547,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((42))~~ (11) 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 allotment modification, reductions in the appropriated 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 biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ~~((2020))~~ 2021-2 ALL PROJECTS as developed ((March 11, 2020)) April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1008. 2020 c 219 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Motor Vehicle Account—State Appropriation..	(\$3,300,000)
	<u>\$2,300,000</u>
Essential Rail Assistance Account—State Appropriation	\$851,000
Transportation Infrastructure Account—State Appropriation	(\$7,554,000)
	<u>\$7,465,000</u>
Multimodal Transportation Account—State Appropriation	(\$74,876,000)
	<u>\$72,135,000</u>
Multimodal Transportation Account—Federal Appropriation	\$8,601,000
Multimodal Transportation Account—Local Appropriation	\$336,000
TOTAL APPROPRIATION	(\$95,518,000)
	<u>\$91,688,000</u>

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 ~~((2020))~~ 2021-2 ALL PROJECTS as developed ((March 11, 2020)) April 23, 2021, Program - Rail Program (Y).

(2) ~~(\$7,136,000)~~ \$7,047,000 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 ten 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) \$7,782,000 of the multimodal transportation account—state appropriation, \$51,000 of the transportation infrastructure account—state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse 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. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$716,000 of the essential rail assistance account—state appropriation and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) 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, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ~~(\$10,000,000)~~ \$4,031,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) \$898,000 of the multimodal transportation account—federal appropriation and \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) ~~((The multimodal transportation account state appropriation includes up to \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~((11))~~ The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

~~((12))~~ (11) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

~~((13))~~ (12) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

~~((14))~~ (13) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

~~((15)) \$1,000,000 of the motor vehicle account state appropriation is provided solely for the grade separation at Bell road project (L1000239).~~

~~((16))~~ (14) \$750,000 of the motor vehicle account—state appropriation and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289).

~~((18))~~ (15) 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 allotment modification, reductions in the appropriated 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 biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document ~~((2020))~~ 2021-2 ALL PROJECTS as developed ((March 11, 2020)) April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 1009. 2020 c 219 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation	\$1,276,000
Highway Infrastructure Account—Federal Appropriation	\$1,337,000
Transportation Partnership Account—State Appropriation	(\$2,380,000) <u>\$1,630,000</u>
Highway Safety Account—State Appropriation ...	\$1,314,000
Motor Vehicle Account—State Appropriation	(\$35,607,000) <u>\$24,543,000</u>
Motor Vehicle Account—Federal Appropriation	(\$41,420,000) <u>\$52,267,000</u>
Motor Vehicle Account—Private/Local Appropriation	(\$24,600,000) <u>\$18,000,000</u>
Connecting Washington Account—State Appropriation	(\$155,550,000) <u>\$130,708,000</u>
Multimodal Transportation Account—State Appropriation	(\$77,469,000) <u>\$74,351,000</u>
TOTAL APPROPRIATION	(\$340,953,000) <u>\$305,426,000</u>

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

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(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) ((~~\$18,380,000~~)) \$8,361,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~\$18,577,000~~)) \$19,363,000 of the multimodal transportation account—state appropriation and \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) ((~~\$11,400,000~~)) \$4,066,000 of the motor vehicle account—federal appropriation and ((~~\$7,750,000~~)) \$4,668,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ((~~\$11,354,000~~)) \$10,744,000 of the motor vehicle account—federal appropriation, ((~~\$4,640,000~~)) \$3,075,000 of the multimodal transportation account—state appropriation, and \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ((~~\$37,537,000~~)) \$32,976,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ((~~\$23,926,000~~)) \$13,829,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) I-5/Port of Tacoma Road Interchange (L1000087);
- (ii) SR 99 Revitalization in Edmonds (NEDMOND); or
- (iii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing 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 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) ((~~\$15,213,000~~)) \$22,500,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry, the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222).

(10) ((~~\$3,900,000~~)) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224).

(11) ((~~\$650,000~~)) \$100,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244).

(12) ((~~\$860,000~~)) \$360,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) ((~~\$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250).~~))

(14) ((~~\$650,000~~)) \$50,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260).

((~~(45)~~)) (14) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270).

((~~(46)~~)) (15) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

~~((47))~~ (16)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

~~((48))~~ (17) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282).

~~((19) \$300,000)~~ (18) \$175,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283).

~~((20) \$250,000)~~ (19) \$200,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284).

~~((21) \$300,000)~~ (20) \$50,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285).

~~((22) \$600,000 of the connecting Washington account—state appropriation, \$150,000)~~ (21) \$25,000 of the motor vehicle account—state appropriation and \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328).

~~((23) \$1,500,000)~~ (22) \$200,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339).

~~((24) \$1,000,000)~~ (23) \$150,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341).

~~((25) \$650,000)~~ (24) \$150,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342).

~~((27))~~ (25) 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 allotment modification, reductions in the appropriated 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 biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium

in LEAP Transportation Document ~~((2020))~~ 2021-2 ALL PROJECTS as developed ~~((March 11, 2020))~~ April 23, 2021;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

(26) \$11,679,000 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 shall identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

Sec. 1010. 2019 c 416 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation	((\$3,277,000))
	<u>\$2,437,000</u>

The appropriation in this section is subject to the following conditions and limitations:

The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) ~~((~~\$468,000~~))~~ \$268,000 for roof replacements;
- (3) \$350,000 for fuel tank decommissioning;
- (4) ~~((~~\$759,000~~))~~ \$119,000 for generator and electrical replacement;
- (5) \$750,000 for water and fire suppression systems; and
- (6) \$700,000 for academy training tank preservation reappropriation.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2020 c 219 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

Special Category C Account—State Appropriation	((\$105,000))
	<u>\$21,000</u>
((Multimodal Transportation Account—State Appropriation	.....
	..... <u>\$125,000</u>)
Transportation Partnership Account—State Appropriation	((\$1,407,000))
	<u>\$182,000</u>
Connecting Washington Account—State Appropriation	((\$7,723,000))
	<u>\$2,455,000</u>
Highway Bond Retirement Account—State	
Appropriation	((\$1,378,835,000))
	<u>\$1,308,311,000</u>

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Ferry Bond Retirement Account—State Appropriation	(((\$25,078,000))
	<u>\$25,079,000</u>
Transportation Improvement Board Bond Retirement Account—State Appropriation	(((\$12,452,000))
	<u>\$12,062,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	(((\$31,253,000))
	<u>\$29,514,000</u>
Toll Facility Bond Retirement Account—State Appropriation	(((\$86,483,000))
	<u>\$85,565,000</u>
TOTAL APPROPRIATION	(((\$1,543,461,000))
	<u>\$1,463,189,000</u>

Sec. 1102. 2020 c 219 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

(Multimodal Transportation Account—State Appropriation	(\$25,000))
Transportation Partnership Account—State Appropriation	(((\$281,000))
	<u>\$68,000</u>
Connecting Washington Account—State Appropriation	(((\$1,599,000))
	<u>\$640,000</u>
Special Category C Account—State Appropriation	(((\$21,000))
	<u>\$9,000</u>
TOTAL APPROPRIATION	(((\$1,926,000))
	<u>\$717,000</u>

Sec. 1103. 2020 c 219 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 distributions to cities and counties	(((\$508,276,000))
	<u>\$456,823,000</u>

Sec. 1104. 2020 c 219 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	(((\$2,146,790,000))
	<u>\$1,921,901,000</u>

Sec. 1105. 2020 c 219 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	(((\$235,788,000))
	<u>\$240,415,000</u>

Sec. 1106. 2020 c 219 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	(((\$54,000,000))
	<u>\$24,000,000</u>

(2) ~~(Transportation Partnership Account—State~~

Appropriation: For transfer to the Motor Vehicle Account—State	(\$45,000,000
(3)) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State	(((\$57,000,000))
	<u>\$25,400,000</u>
((4)) (3) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State	(\$8,070,000
((5)) (4) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State	\$1,732,000
(5)(a) Motor Vehicle Account—State Appropriation: For transfer to the State Route Number 520 Civil Penalties Account—State	<u>\$6,000,000</u>
(b) The funds provided in (a) of this subsection are a loan to the state route number 520 civil penalties account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state in the 2021-2023 biennium.	
(6) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State	(((\$5,067,000))
	<u>\$34,067,000</u>
(7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State	(((\$52,000,000))
	<u>\$61,000,000</u>
(8) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State	\$55,000,000
(9) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State	\$3,000,000
(10) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State	(((\$1,434,000))
	<u>\$1,666,000</u>
(11) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State	\$60,000,000
(12) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State	\$11,215,000
(13) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State	\$15,223,000
(14) (Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State	\$15,000,000
(15)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State	\$9,992,000
(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21), chapter 416, Laws of 2019.	
(46)) (a) Transportation Partnership Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State	\$77,956,000
(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z),	

and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

((47)) (15) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State.....((~~\$4,829,000~~)) \$9,902,000

((48)) (16)(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(7), chapter 416, Laws of 2019.

~~((49) Capital Vessel Replacement Account—State Appropriation: For transfer to the Transportation Partnership Account—State..... \$2,312,000~~

((20)) (17)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State(~~\$15,858,000~~) \$15,577,000

(b) 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).

((21)) (18) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

((22)) (19)(a) Tacoma Narrows Toll Bridge Account—State Appropriation:

For transfer to the Motor Vehicle Account—State..... \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((23)) (20)(a) Transportation ((2003 Account (Nickel Account))~~

Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State..... \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and 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.

((24)) (21) Transportation Infrastructure Account—State Appropriation: For transfer to the multimodal Transportation Account—State \$9,000,000

((25)) (22) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State..... \$2,500,000

((26)) (23)(a) Motor Vehicle Account—State Appropriation: For transfer to the County Road Administration Board Emergency Loan Account—State \$1,000,000

(b) If chapter 157, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((27)) (24)(a) Advanced Environmental Mitigation Revolving Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((28) Multimodal Transportation Account—State~~

~~Appropriation: For transfer to the Electric Vehicle Charging Infrastructure Account—State \$1,000,000~~

~~((29)) (25) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State..... \$10,200,000~~

~~((30)) (26)(a) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State \$82,080,000~~

(b) The amount transferred in this subsection represents a reversal of the changes made to RCW 82.32.385, in section 703, chapter 219, Laws of 2020, that directed a transfer of \$82,080,000 to the multimodal transportation account rather than the connecting Washington account.

(27)(a) Transportation Partnership Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State..... ((~~\$96,030,000~~)) \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((31)) (28) Freight Mobility Multimodal Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$7,296,000~~

~~((32)) (29) Connecting Washington Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$115,000,000~~

(30)(a) Motor Vehicle Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$13,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(31) Motor Vehicle Account—State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)—State \$12,800,000

(32) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$55,000,000

Sec. 1107. 2020 c 219 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

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 \$50,224,000

Sec. 1108. 2020 c 219 s 408 (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 ((~~\$199,522,000~~)) \$199,523,000

Toll Facility Bond Retirement Account—State Appropriation \$25,372,000

TOTAL APPROPRIATION ((~~\$224,894,000~~)) \$224,895,000

MISCELLANEOUS 2019-2021 FISCAL BIENNIUM NEW SECTION. Sec. 1201. A new section is added to 2019 c 416 (uncodified) to read as follows:

ONE HUNDRED FOURTH DAY, APRIL 24, 2021

2021 REGULAR SESSION

The appropriations to the department of transportation in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act must be expended for the programs and in the amounts specified in chapter 416, Laws of 2019, chapter 219, Laws of 2020, and this act. However, after May 1, 2021, unless specifically prohibited, the department may transfer state appropriations for the 2019-2021 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 prior to approving any allotment modifications or transfers under this section.

MISCELLANEOUS

NEW SECTION. **Sec. 1301.** 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. 1302.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.20.745, 82.21.030, 46.68.060, 47.12.370, 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 46.68.290, 46.68.063, 47.60.530, 47.60.315, 34.05.350, 46.09.540, and 47.66.120; amending 2019 c 416 ss 101, 106, and 302 (uncodified), and 2020 c 219 ss 101, 102, 104, 105, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, and 408 (uncodified); amending 2019 c 396 ss 2 and 3 (uncodified); adding a new section to 2019 c 416 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Hobbs, King and Saldaña; Representatives Barkis, Fey and Wylie.

MOTION

Senator Hobbs moved that the Report of the Conference Committee on Substitute Senate Bill No. 5165 be adopted.

Senators Hobbs and King spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Report of the Conference Committee on Substitute Senate Bill No. 5165 be adopted.

The motion by Senator Hobbs carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Honeyford, Liias, Rivers, Schoesler, Short and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5165, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I made a mistake on my voting tonight. My intent was to vote for (in favor) SB 5165...a vote of yes, not nay.

Senator Jeff Wilson, 19th Legislative District

PERSONAL PRIVILEGE

Senator Hobbs: "So Mr. President, this is been a long and difficult session for specially for transportation, and I do you want to personally thank Senator Saldaña and Senator King for being with me throughout this now one hundred fourth day trying to craft this budget so thank you to both of you for your patience and consideration drafting this. And I would also like to thank our staff Kelly, Hayley, Erica, Kim, Danny, Bryon, and Dana. And of course, on the caucus staff both on the Republican side and on the Democratic side; Hannah and Martin thank you all for crafting this and of course after sine die, we'll be working on something else to move Washington forward. So, thank you Mr. President for allowing me to say a few words."

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. I do, I just want to thank Senator Saldaña and particularly Chairman Hobbs for allowing me to participate as we worked very diligently on this budget. It was a challenge and it was a challenge when we tried to deal with the House as well but I think all of that went quite well but I I want to thank them for their willingness to allow me to participate and their willingness to listen and in a particularly then want to thank as the good chair has done all of our staff partisan and nonpartisan they are an amazing group of people who put in hours and hours and hours that usually go unrecognized and I think we need to recognize them for all of their efforts on our behalf and I thank profusely and I can want to thank our our chair for his leadership. Thank you, Mr. President."

MOTION

At 8:25 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Sunday, April 25, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ONE HUNDRED FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Sunday, April 25, 2021

The Senate was called to order at 12:05 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Finley, Mr. Thomas, Miss Sally and Mr. Seamus Kochaewicz and Miss Nora Govednik led the Senate in the Pledge of Allegiance. The Kochaniewiczs are the children of Senate reader Sean Kochaniewicz. Miss Govednik is their cousin.

Miss Felicia Hebner performed the National Anthem. Miss Hebner is the Session Aide to Senator Padden.

Lieutenant Governor Denny Heck offered the prayer.

MOTIONS

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

On motion of Senator Liias, Senate Emergency Rule K was suspended for the rest of the day.

EDITOR'S NOTE: Senate Emergency Rule K establishes rules for the consideration of bills and amendments.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

MESSAGES FROM THE HOUSE

April 24, 2021

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1310,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1365,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 24, 2021

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5008,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5051,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5052,
SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5128,
SUBSTITUTE SENATE BILL NO. 5140,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5141,
SUBSTITUTE SENATE BILL NO. 5151,
SUBSTITUTE SENATE BILL NO. 5185,
SECOND SUBSTITUTE SENATE BILL NO. 5192,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5203,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5237,
SUBSTITUTE SENATE BILL NO. 5273,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5304,
SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
ENGROSSED SENATE BILL NO. 5330,
SECOND SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5361,
SECOND SUBSTITUTE SENATE BILL NO. 5362,
SECOND SUBSTITUTE SENATE BILL NO. 5383,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 24, 2021

MR. PRESIDENT:

Pursuant to Article II, section 12 of the State Constitution, the House passed the following measure(s) notwithstanding the Governor's veto(s):

SECOND SUBSTITUTE SENATE BILL NO. 6027

And the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

MOTION

Senator Cleveland moved adoption of the following resolution:

SENATE RESOLUTION
8628

By Senators Cleveland, Billig, Carlyle, Conway, Darneille, Das, Fortunato, Hasegawa, Holy, Honeyford, Hunt, Keiser, King, Padden, Pedersen, Robinson, Short, Wellman, Wilson, C., and Wilson, L.

ONE HUNDRED FIFTH DAY, APRIL 25, 2021

2021 REGULAR SESSION

WHEREAS, Al Bauer, Jr. was born on a homestead in Fergus County, Montana, on June 6, 1928, and moved to La Center, Washington, in 1936, to farm and in 1942 moved the farm to Salmon Creek; and

WHEREAS, Al Bauer would drop out of high school and enlist in the United States Navy in 1948 and serve during the Korean Conflict until 1954; and

WHEREAS, Al Bauer returned to Clark County to earn his G.E.D. and multiple college and graduate degrees while continuing the family tradition of farming and ranching on the family homestead and even riding some rodeos (including in the Los Angeles Coliseum); and

WHEREAS, Al Bauer had a distinguished career as a public school teacher of social studies and history in the Vancouver School District primarily at Columbia River High School which shortly after and during Al Bauer's service sent six current or former Columbia River students or faculty to the state Legislature; and

WHEREAS, Al Bauer was first elected to the State House of Representatives from Clark County in 1970, where he served for 10 years before being elected to the State Senate in 1980 where he served until his retirement in 2000 never having lost an election; and

WHEREAS, Al Bauer was selected by his colleagues to serve in several leadership capacities including Chair of the House Education Committee, Chair of the House Democratic Caucus, Chair of the Senate Higher Education Committee, and others; and

WHEREAS, Al Bauer's legislative accomplishments were extraordinary — from authoring the original Learning Assistance Program to assist younger school children with basic skills, a program that now benefits from more than \$1.4 billion per biennium, to being the primary force behind the establishment of the WSU branch campus in Clark County, to authoring legislation placing Mother Joseph in the National Statuary Hall, to writing the original sales tax exemption for manufacturers that resulted in a dramatic high-tech expansion in the state, to authoring the 3609 Commission on Education that increased coordination of education delivery across all levels, to authoring legislation requiring increased insulation in new construction, legislation that has saved the need to build many new energy facilities; and

WHEREAS, The overarching hallmark of Al Bauer's distinguished legislative career was his character and integrity and his occasional folksy sayings such as: "We cannot be eating our seed corn here;" and

WHEREAS, Al Bauer passed away in his sleep on April 21, 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute Al Bauer, sailor, farmer, rancher, rodeo competitor, teacher, and legislator, and send its deepest condolences to his family and to the entire community mourning his loss; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Al's daughter, Nancy Spies, to share with his family, including his "adopted" son, Denny Heck.

Senators Cleveland and Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

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

MOTION

At 12:23 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

AFTERNOON SESSION

The Senate was called to order at 1:36 a.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Hannah Stoddard, Senate Gubernatorial Appointment No. 9208, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Randall spoke in favor of the motion.

APPOINTMENT OF HANNAH STODDARD

The President declared the question before the Senate to be the confirmation of Hannah Stoddard, Senate Gubernatorial Appointment No. 9208, as a member of the Bellevue College Board of Trustees.

The Secretary called the roll on the confirmation of Hannah Stoddard, Senate Gubernatorial Appointment No. 9208, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Hannah Stoddard, Senate Gubernatorial Appointment No. 9208, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

SIGNED BY THE PRESIDENT

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

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476,
- SUBSTITUTE SENATE BILL NO. 5165,
- and ENGROSSED SENATE BILL NO. 5476.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Judge Wesley Saint Clair, Senate Gubernatorial Appointment No. 9248, be confirmed as a Chair of the Sentencing Guidelines Commission.

Senator Darneille spoke in favor of the motion.

Senator Padden spoke against the motion.

APPOINTMENT OF JUDGE WESLEY SAINT CLAIR

The President declared the question before the Senate to be the confirmation of Judge Wesley Saint Clair, Senate Gubernatorial Appointment No. 9248, as a Chair of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Judge Wesley Saint Clair, Senate Gubernatorial Appointment No. 9248, as a Chair of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Ericksen, Honeyford, McCune, Padden, Schoesler, Short and Wagoner

Judge Wesley Saint Clair, Senate Gubernatorial Appointment No. 9248, having received the constitutional majority was declared confirmed as a Chair of the Sentencing Guidelines Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that Michael Anthony, Senate Gubernatorial Appointment No. 9251, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF MICHAEL ANTHONY

The President declared the question before the Senate to be the confirmation of Michael Anthony, Senate Gubernatorial Appointment No. 9251, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Michael Anthony, Senate Gubernatorial Appointment No. 9251, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short,

Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Michael Anthony, Senate Gubernatorial Appointment No. 9251, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that Andrew J. Drennen, Senate Gubernatorial Appointment No. 9259, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF ANDREW J. DRENNEN

The President declared the question before the Senate to be the confirmation of Andrew J. Drennen, Senate Gubernatorial Appointment No. 9259, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Andrew J. Drennen, Senate Gubernatorial Appointment No. 9259, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Andrew J. Drennen, Senate Gubernatorial Appointment No. 9259, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that Henrik Krombeen, Senate Gubernatorial Appointment No. 9272, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF HENRIK KROMBEEN

The President declared the question before the Senate to be the confirmation of Henrik Krombeen, Senate Gubernatorial Appointment No. 9272, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Henrik Krombeen, Senate Gubernatorial Appointment No. 9272, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

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Froct, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

education to every child in the state. The legislature recognizes that levying this tax will have the additional effect of making material progress toward rebalancing the state's tax code.

The legislature further intends to exempt certain assets from the tax including, but not limited to, qualified family-owned small businesses, all residential and other real property, and retirement accounts.

Henrik Krombeen, Senate Gubernatorial Appointment No. 9272, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

NEW SECTION. Sec. 2. DISTRIBUTION OF REVENUES. (1) All taxes, interest, and penalties collected under this chapter shall be distributed as follows:

MOTION

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

(a) The first \$500,000,000 collected each fiscal year shall be deposited into the education legacy trust account created in RCW 83.100.230; and

(b) Any remainder collected each fiscal year shall be deposited into the common school construction account.

MESSAGE FROM THE HOUSE

(2) The amounts specified under subsection (1)(a) of this section shall be adjusted annually as provided under section 17 of this act.

April 24, 2021

MR. PRESIDENT:

Sec. 3. RCW 83.100.230 and 2019 c 415 s 990 are each amended to read as follows:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5096 and has passed the bill as recommended by the Conference Committee.

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, early learning and child care programs, and other educational improvement efforts. ~~((During the 2015-2017, 2017-2019, and 2019-2021 fiscal biennia appropriations from the account may be made for support of early learning programs. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.))~~

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 5096

April 23, 2021

MR. PRESIDENT:

NEW SECTION. Sec. 4. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5096, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

(1) "Adjusted capital gain" means federal net long-term capital gain:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that it is the paramount duty of the state to amply provide every child in the state with an education, creating the opportunity for the child to succeed in school and thrive in life. The legislature further finds that high quality early learning and child care is critical to a child's success in school and life, as it supports the development of the child's social-emotional, physical, cognitive, and language skills. Therefore, the legislature will invest in the ongoing support of K-12 education and early learning and child care by dedicating revenues from this act to the education legacy trust account and the common school construction account.

(a) Plus any amount of long-term capital loss from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such loss was included in calculating federal net long-term capital gain;

(b) Plus any amount of long-term capital loss from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(c) Plus any amount of loss carryforward from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(d) Less any amount of long-term capital gain from a sale or exchange that is not allocated to Washington under section 11 of this act, to the extent such gain was included in calculating federal net long-term capital gain; and

The legislature further recognizes that a tax system that is fair, balanced, and works for everyone is essential to help all Washingtonians grow and thrive. But Washington's tax system today is the most regressive in the nation because it asks those making the least to pay the most as a percentage of their income. Middle-income families in Washington pay two to four times more in taxes, as a percentage of household income, as compared to top earners in the state. Low-income Washingtonians pay at least six times more than do our wealthiest residents.

(e) Less any amount of long-term capital gain from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such gain was included in calculating federal net long-term capital gain.

To help meet the state's paramount duty, the legislature intends to levy a seven percent tax on the voluntary sale or exchange of stocks, bonds, and other capital assets where the profit is in excess of \$250,000 annually to fund K-12 education, early learning, and child care, and advance our paramount duty to amply provide an

(2) "Capital asset" has the same meaning as provided by Title 26 U.S.C. Sec. 1221 of the internal revenue code and also includes any other property if the sale or exchange of the property results in a gain that is treated as a long-term capital gain under Title 26 U.S.C. Sec. 1231 or any other provision of the internal revenue code.

(3) "Federal net long-term capital gain" means the net long-term capital gain reportable for federal income tax purposes

determined as if Title 26 U.S.C. Secs. 55 through 59, 1400Z-1, and 1400Z-2 of the internal revenue code did not exist.

(4) "Individual" means a natural person.

(5) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of the effective date of this section, or such subsequent date as the department may provide by rule consistent with the purpose of this chapter.

(6) "Long-term capital asset" means a capital asset that is held for more than one year.

(7) "Long-term capital gain" means gain from the sale or exchange of a long-term capital asset.

(8) "Long-term capital loss" means a loss from the sale or exchange of a long-term capital asset.

(9) "Real estate" means land and fixtures affixed to land. "Real estate" also includes used mobile homes, used park model trailers, used floating homes, and improvements constructed upon leased land.

(10)(a) "Resident" means an individual:

(i) Who is domiciled in this state during the taxable year, unless the individual (A) maintained no permanent place of abode in this state during the entire taxable year, (B) maintained a permanent place of abode outside of this state during the entire taxable year, and (C) spent in the aggregate not more than 30 days of the taxable year in this state; or

(ii) Who is not domiciled in this state during the taxable year, but maintained a place of abode and was physically present in this state for more than 183 days during the taxable year.

(b) For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(11) "Taxable year" means the taxpayer's taxable year as determined under the internal revenue code.

(12) "Taxpayer" means an individual subject to tax under this chapter.

(13) "Washington capital gains" means an individual's adjusted capital gain, as modified in section 7 of this act, for each return filed under this chapter.

NEW SECTION. Sec. 5. TAX IMPOSED. (1) Beginning January 1, 2022, an excise tax is imposed on the sale or exchange of long-term capital assets. Only individuals are subject to payment of the tax, which equals seven percent multiplied by an individual's Washington capital gains.

(2) The tax levied in subsection (1) of this section is necessary for the support of the state government and its existing public institutions.

(3) If an individual's Washington capital gains are less than zero for a taxable year, no tax is due under this section and no such amount is allowed as a carryover for use in the calculation of that individual's adjusted capital gain, as defined in section 4(1) of this act, for any taxable year. To the extent that a loss carryforward is included in the calculation of an individual's federal net long-term capital gain and that loss carryforward is directly attributable to losses from sales or exchanges allocated to this state under section 11 of this act, the loss carryforward is included in the calculation of that individual's adjusted capital gain for the purposes of this chapter. An individual may not include any losses carried back for federal income tax purposes in the calculation of that individual's adjusted capital gain for any taxable year.

(4)(a) The tax imposed in this section applies to the sale or exchange of long-term capital assets owned by the taxpayer, whether the taxpayer was the legal or beneficial owner of such assets at the time of the sale or exchange. The tax applies when

the Washington capital gains are recognized by the taxpayer in accordance with this chapter.

(b) For purposes of this chapter:

(i) An individual is considered to be a beneficial owner of long-term capital assets held by an entity that is a pass-through or disregarded entity for federal tax purposes, such as a partnership, limited liability company, S corporation, or grantor trust, to the extent of the individual's ownership interest in the entity as reported for federal income tax purposes.

(ii) A nongrantor trust is deemed to be a grantor trust if the trust does not qualify as a grantor trust for federal tax purposes, and the grantor's transfer of assets to the trust is treated as an incomplete gift under Title 26 U.S.C. Sec. 2511 of the internal revenue code and its accompanying regulations. A grantor of such trust is considered the beneficial owner of the capital assets of the trust for purposes of the tax imposed in this section and must include any long-term capital gain or loss from the sale or exchange of a capital asset by the trust in the calculation of that individual's adjusted capital gain, if such gain or loss is allocated to this state under section 11 of this act.

NEW SECTION. Sec. 6. EXEMPTIONS. This chapter does not apply to the sale or exchange of:

(1) All real estate transferred by deed, real estate contract, judgment, or other lawful instruments that transfer title to real property and are filed as a public record with the counties where real property is located;

(2)(a) An interest in a privately held entity only to the extent that any long-term capital gain or loss from such sale or exchange is directly attributable to the real estate owned directly by such entity.

(b)(i) Except as provided in (b)(ii) and (iii) of this subsection, the value of the exemption under this subsection is equal to the fair market value of the real estate owned directly by the entity less its basis, at the time that the sale or exchange of the individual's interest occurs, multiplied by the percentage of the ownership interest in the entity which is sold or exchanged by the individual.

(ii) If a sale or exchange of an interest in an entity results in an amount directly attributable to real property and that is considered as an amount realized from the sale or exchange of property other than a capital asset under Title 26 U.S.C. Sec. 751 of the internal revenue code, such amount must not be considered in the calculation of an individual's exemption amount under (b)(i) of this subsection (2).

(iii) Real estate not owned directly by the entity in which an individual is selling or exchanging the individual's interest must not be considered in the calculation of an individual's exemption amount under (b)(i) of this subsection (2).

(c) Fair market value of real estate may be established by a fair market appraisal of the real estate or an allocation of assets by the seller and the buyer made under Title 26 U.S.C. Sec. 1060 of the internal revenue code, as amended. However, the department is not bound by the parties' agreement as to the allocation of assets, allocation of consideration, or fair market value, if such allocations or fair market value do not reflect the fair market value of the real estate. The assessed value of the real estate for property tax purposes may be used to determine the fair market value of the real estate, if the assessed value is current as of the date of the sale or exchange of the ownership interest in the entity owning the real estate and the department determines that this method is reasonable under the circumstances.

(d) The value of the exemption under this subsection (2) may not exceed the individual's long-term capital gain or loss from the sale or exchange of an interest in an entity for which the individual is claiming this exemption;

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(3) Assets held under a retirement savings account under Title 26 U.S.C. Sec. 401(k) of the internal revenue code, a tax-sheltered annuity or custodial account described in Title 26 U.S.C. Sec. 403(b) of the internal revenue code, a deferred compensation plan under Title 26 U.S.C. Sec. 457(b) of the internal revenue code, an individual retirement account or individual retirement annuity described in Title 26 U.S.C. Sec. 408 of the internal revenue code, a Roth individual retirement account described in Title 26 U.S.C. Sec. 408A of the internal revenue code, an employee defined contribution program, an employee defined benefit plan, or a similar retirement savings vehicle;

(4) Assets pursuant to, or under imminent threat of, condemnation proceedings by the United States, the state or any of its political subdivisions, or a municipal corporation;

(5) Cattle, horses, or breeding livestock if for the taxable year of the sale or exchange, more than 50 percent of the taxpayer's gross income for the taxable year, including from the sale or exchange of capital assets, is from farming or ranching;

(6) Property depreciable under Title 26 U.S.C. Sec. 167(a)(1) of the internal revenue code, or that qualifies for expensing under Title 26 U.S.C. Sec. 179 of the internal revenue code;

(7) Timber, timberland, or the receipt of Washington capital gains as dividends and distributions from real estate investment trusts derived from gains from the sale or exchange of timber and timberland. "Timber" means forest trees, standing or down, on privately or publicly owned land, and includes Christmas trees and short-rotation hardwoods. The sale or exchange of timber includes the cutting or disposal of timber qualifying for capital gains treatment under Title 26 U.S.C. Sec. 631(a) or (b) of the internal revenue code;

(8)(a) Commercial fishing privileges.

(b) For the purposes of this subsection (8), "commercial fishing privilege" means a right, held by a seafood harvester or processor, to participate in a limited access fishery. "Commercial fishing privilege" includes and is limited to:

(i) In the case of federally managed fisheries, quota and access to fisheries assigned pursuant to individual fishing quota programs, limited entry and catch share programs, cooperative fishing management agreements, or similar arrangements; and

(ii) In the case of state-managed fisheries, quota and access to fisheries assigned under fishery permits, limited entry and catch share programs, or similar arrangements; and

(9) Goodwill received from the sale of an auto dealership licensed under chapter 46.70 RCW whose activities are subject to chapter 46.96 RCW.

NEW SECTION. Sec. 7. DEDUCTIONS. In computing tax for a taxable year, a taxpayer may deduct from his or her Washington capital gains:

(1) A standard deduction of \$250,000 per individual, or in the case of spouses or domestic partners, their combined standard deduction is limited to \$250,000, regardless of whether they file joint or separate returns. The amount of the standard deduction shall be adjusted pursuant to section 17 of this act;

(2) Amounts that the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(3) The amount of adjusted capital gain derived from the sale or transfer of the taxpayer's interest in a qualified family-owned small business pursuant to section 8 of this act;

(4) Charitable donations deductible under section 9 of this act.

NEW SECTION. Sec. 8. QUALIFIED FAMILY-OWNED SMALL BUSINESS DEDUCTION. (1) In computing tax under this chapter for a taxable year, a taxpayer may deduct from his or her Washington capital gains the amount of adjusted capital gain derived in the taxable year from the sale of substantially all of the

fair market value of the assets of, or the transfer of substantially all of the taxpayer's interest in, a qualified family-owned small business, to the extent that such adjusted capital gain would otherwise be included in the taxpayer's Washington capital gains.

(2) For purposes of this section, the following definitions apply:

(a) "Assets" means real property and personal property, including tangible personal property and intangible property.

(b) "Family" means the same as "member of the family" in RCW 83.100.046.

(c)(i) "Materially participated" means an individual was involved in the operation of a business on a basis that is regular, continuous, and substantial.

(ii) The term "materially participated" must be interpreted consistently with the applicable treasury regulations for Title 26 U.S.C. Sec. 469 of the internal revenue code, to the extent that such interpretation does not conflict with any provision of this section.

(d) "Qualified family-owned small business" means a business:

(i) In which the taxpayer held a qualifying interest for at least five years immediately preceding the sale or transfer described in subsection (1) of this section;

(ii) In which either the taxpayer or members of the taxpayer's family, or both, materially participated in operating the business for at least five of the 10 years immediately preceding the sale or transfer described in subsection (1) of this section, unless such sale or transfer was to a qualified heir; and

(iii) That had worldwide gross revenue of \$10,000,000 or less in the 12-month period immediately preceding the sale or transfer described in subsection (1) of this section. The worldwide gross revenue amount under this subsection (2)(d)(iii) shall be adjusted annually as provided in section 17 of this act.

(e) "Qualified heir" means a member of the taxpayer's family.

(f) "Qualifying interest" means:

(i) An interest as a proprietor in a business carried on as a sole proprietorship; or

(ii) An interest in a business if at least:

(A) Fifty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both;

(B) Thirty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both, and at least:

(I) Seventy percent of the business is owned, directly or indirectly, by members of two families; or

(II) Ninety percent of the business is owned, directly or indirectly, by members of three families.

(g) "Substantially all" means at least 90 percent.

NEW SECTION. Sec. 9. ADDITIONAL DEDUCTION FOR CHARITABLE DONATIONS. (1) In computing tax under this chapter for a taxable year, a taxpayer may deduct from his or her Washington capital gains the amount donated by the taxpayer to one or more qualified organizations during the same taxable year in excess of the minimum qualifying charitable donation amount. For the purposes of this section, the minimum qualifying charitable donation amount equals \$250,000. The minimum qualifying charitable donation amount under this subsection (1) shall be adjusted pursuant to section 17 of this act.

(2) The deduction authorized under subsection (1) of this section may not exceed \$100,000 for the taxable year. The maximum amount of the available deduction under this subsection (2) shall be adjusted pursuant to section 17 of this act.

(3) The deduction authorized under subsection (1) of this section may not be carried forward or backward to another tax reporting period.

(4) For the purposes of this section, the following definitions apply:

(a) "Nonprofit organization" means an organization exempt from tax under Title 26 U.S.C. Sec. 501(c)(3) of the internal revenue code.

(b) "Qualified organization" means a nonprofit organization, or any other organization, that is:

(i) Eligible to receive a charitable deduction as defined in Title 26 U.S.C. Sec. 170(c) of the internal revenue code; and

(ii) Principally directed or managed within the state of Washington.

NEW SECTION. Sec. 10. OTHER TAXES. The tax imposed under this chapter is in addition to any other taxes imposed by the state or any of its political subdivisions, or a municipal corporation, with respect to the same sale or exchange, including the taxes imposed in, or under the authority of, chapter 82.04, 82.08, 82.12, 82.14, 82.45, or 82.46 RCW.

NEW SECTION. Sec. 11. ALLOCATION OF GAINS AND LOSSES. (1) For purposes of the tax imposed under this chapter, long-term capital gains and losses are allocated to Washington as follows:

(a) Long-term capital gains or losses from the sale or exchange of tangible personal property are allocated to this state if the property was located in this state at the time of the sale or exchange. Long-term capital gains or losses from the sale or exchange of tangible personal property are also allocated to this state even though the property was not located in this state at the time of the sale or exchange if:

(i) The property was located in the state at any time during the taxable year in which the sale or exchange occurred or the immediately preceding taxable year;

(ii) The taxpayer was a resident at the time the sale or exchange occurred; and

(iii) The taxpayer is not subject to the payment of an income or excise tax legally imposed on the long-term capital gains or losses by another taxing jurisdiction.

(b) Long-term capital gains or losses derived from intangible personal property are allocated to this state if the taxpayer was domiciled in this state at the time the sale or exchange occurred.

(2)(a) A credit is allowed against the tax imposed in section 5 of this act equal to the amount of any legally imposed income or excise tax paid by the taxpayer to another taxing jurisdiction on capital gains derived from capital assets within the other taxing jurisdiction to the extent such capital gains are included in the taxpayer's Washington capital gains. The amount of credit under this subsection may not exceed the total amount of tax due under this chapter, and there is no carryback or carryforward of any unused credits.

(b) As used in this section, "taxing jurisdiction" means a state of the United States other than the state of Washington, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

NEW SECTION. Sec. 12. FILING OF RETURNS. (1)(a) Except as otherwise provided in this section or RCW 82.32.080, taxpayers owing tax under this chapter must file, on forms prescribed by the department, a return with the department on or before the date the taxpayer's federal income tax return for the taxable year is required to be filed.

(b)(i) Except as provided in (b)(ii) of this subsection (1), returns and all supporting documents must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize.

(ii) The department may waive the electronic filing requirement in this subsection for good cause as provided in RCW 82.32.080.

(2) In addition to the Washington return required to be filed under subsection (1) of this section, taxpayers owing tax under this chapter must file with the department on or before the date the federal return is required to be filed a copy of the federal income tax return along with all schedules and supporting documentation.

(3) Each taxpayer required to file a return under this section must, without assessment, notice, or demand, pay any tax due thereon to the department on or before the date fixed for the filing of the return, regardless of any filing extension. The tax must be paid by electronic funds transfer as defined in RCW 82.32.085 or by other forms of electronic payment as may be authorized by the department. The department may waive the electronic payment requirement for good cause as provided in RCW 82.32.080. If any tax due under this chapter is not paid by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

(4)(a) In addition to the Washington return required to be filed under subsection (1) of this section, an individual claiming an exemption under section 6(2) of this act must file documentation substantiating the following:

(i) The fair market value and basis of the real estate held directly by the entity in which the interest was sold or exchanged;

(ii) The percentage of the ownership interest sold or exchanged in the entity owning real estate; and

(iii) The methodology, if any, established by the entity in which the interest was sold or exchanged, for allocating gains or losses to the owners, partners, or shareholders of the entity from the sale of real estate.

(b) The department may by rule prescribe additional filing requirements to substantiate an individual's claim for an exemption under section 6(2) of this act. Prior to adopting any rule under this subsection (4)(b), the department must allow for an opportunity for participation by interested parties in the rule-making process in accordance with the administrative procedure act, chapter 34.05 RCW.

(5) If a taxpayer has obtained an extension of time for filing the federal income tax return for the taxable year, the taxpayer is entitled to the same extension of time for filing the return required under this section if the taxpayer provides the department, before the due date provided in subsection (1) of this section, the extension confirmation number or other evidence satisfactory to the department confirming the federal extension. An extension under this subsection for the filing of a return under this chapter is not an extension of time to pay the tax due under this chapter.

(6)(a) If any return due under subsection (1) of this section, along with a copy of the federal income tax return, is not filed with the department by the due date or any extension granted by the department, the department must assess a penalty in the amount of five percent of the tax due for the taxable year covered by the return for each month or portion of a month that the return remains unfiled. The total penalty assessed under this subsection may not exceed 25 percent of the tax due for the taxable year covered by the delinquent return. The penalty under this subsection is in addition to any penalties assessed for the late payment of any tax due on the return.

(b) The department must waive or cancel the penalty imposed under this subsection if:

(i) The department is persuaded that the taxpayer's failure to file the return by the due date was due to circumstances beyond the taxpayer's control; or

(ii) The taxpayer has not been delinquent in filing any return due under this section during the preceding five calendar years.

NEW SECTION. Sec. 13. JOINT FILERS. (1) If the federal income tax liabilities of both spouses are determined on a

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joint federal return for the taxable year, they must file a joint return under this chapter.

(2) Except as otherwise provided in this subsection, if the federal income tax liability of either spouse is determined on a separate federal return for the taxable year, they must file separate returns under this chapter. State registered domestic partners may file a joint return under this chapter even if they filed separate federal returns for the taxable year.

(3) The liability for tax due under this chapter of each spouse or state registered domestic partner is joint and several, unless:

(a) The spouse is relieved of liability for federal tax purposes as provided under Title 26 U.S.C. Sec. 6015 of the internal revenue code; or

(b) The department determines that the domestic partner qualifies for relief as provided by rule of the department. Such rule, to the extent possible without being inconsistent with this chapter, must follow Title 26 U.S.C. Sec. 6015.

NEW SECTION. Sec. 14. ADMINISTRATION OF TAXES. Except as otherwise provided by law and to the extent not inconsistent with the provisions of this chapter, chapter 82.32 RCW applies to the administration of taxes imposed under this chapter.

NEW SECTION. Sec. 15. CRIMINAL ACTIONS. (1) Any taxpayer who knowingly attempts to evade payment of the tax imposed under this chapter is guilty of a class C felony as provided in chapter 9A.20 RCW.

(2) Any taxpayer who knowingly fails to pay tax, make returns, keep records, or supply information, as required under this title, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

BUSINESS AND OCCUPATION TAX CREDIT.

(1) To avoid taxing the same sale or exchange under both the business and occupation tax and capital gains tax, a credit is allowed against taxes due under this chapter on a sale or exchange that is also subject to the tax imposed under section 5 of this act. The credit is equal to the amount of tax imposed under this chapter on such sale or exchange.

(2) The credit may be used against any tax due under this chapter.

(3) The credit under this section is earned in regards to a sale or exchange, and may be claimed against taxes due under this chapter, for the tax reporting period in which the sale or exchange occurred. The credit claimed for a tax reporting period may not exceed the tax otherwise due under this chapter for that tax reporting period. Unused credit may not be carried forward or backward to another tax reporting period. No refunds may be granted for unused credit under this section.

(4) The department must apply the credit first to taxes deposited into the general fund. If any remaining credit reduces the amount of taxes deposited into the workforce education investment account established in RCW 43.79.195, the department must notify the state treasurer of such amounts monthly, and the state treasurer must transfer those amounts from the general fund to the workforce education investment account.

NEW SECTION. Sec. 17. ANNUAL ADJUSTMENTS. (1) Beginning December 2023 and each December thereafter, the department must adjust the applicable amounts by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on December 1st of the current year exceeds the consumer price index for the prior 12-month period, and rounding the result to the nearest \$1,000. If an adjustment under this subsection (1) would reduce the applicable amounts, the department must not adjust the applicable

amounts for use in the following year. The department must publish the adjusted applicable amounts on its public website by December 31st. The adjusted applicable amounts calculated under this subsection (1) take effect for taxes due and distributions made, as the case may be, in the following calendar year.

(2) For purposes of this section, the following definitions apply:

(a) "Applicable amounts" means:

(i) The distribution amount to the education legacy trust account as provided in section 2(1)(a) of this act;

(ii) The standard deduction amount in sections 4(13) and 7(1) of this act;

(iii) The worldwide gross revenue amount under section 8 of this act; and

(iv) The minimum qualifying charitable donation amount and maximum charitable donation amount under section 9 of this act.

(b) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(c) "Seattle area" means the geographic area sample that includes Seattle and surrounding areas.

NEW SECTION. Sec. 18. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 19. Sections 1, 2, 4 through 15, and 17 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 20. (1) If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges section 5 of this act unconstitutional, or otherwise invalid, in its entirety, section 16 of this act is null and void in its entirety. Any credits previously claimed under section 16 of this act must be repaid within 30 days of the department of revenue's notice to the taxpayer of the amount due.

(2) If the taxpayer fails to repay the credit by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Pedersen and Robinson; Representatives Frame and Sullivan.

MOTION

Senator Robinson moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5096 be adopted.

Senators Robinson, Saldaña, Pedersen and Liias spoke in favor of passage of the motion.

Senators Wilson, L., Fortunato, Muzzall, Mullet, Dozier, Warnick, King, Ericksen, Short, Wilson, J., Rivers, Padden, Wagoner, Brown and Braun spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Robinson that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5096 be adopted.

The motion by Senator Robinson carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5096, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5096, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Short moved that the Senate advance to the ninth order of business to relieve the Committee on Ways & Means of Senate Bill No. 5463 and place the bill on the 2nd Reading Calendar.

Senator Short spoke in favor of the motion.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Liias spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Short to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the motion by Senator Short and the motion did not carry by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Third Substitute House Bill No. 1091

April 24, 2021

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Third Substitute House Bill No. 1091, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that rapid innovations in low carbon transportation technologies, including electric vehicles and clean transportation fuels, are at the threshold of widespread commercial deployment. In order to help prompt the use of clean fuels, other states have successfully implemented programs that reduce the carbon intensity of their transportation fuels. California and Oregon have both implemented low carbon fuel standards that are similar to the program created in this act, and both states have experienced biofuel sector growth and have successfully sited large biofuel projects that had originally been planned for Washington. Washington state has extensively studied the potential impact of a clean fuels program, and most projections show that a low carbon fuel standard would decrease greenhouse gas and conventional air pollutant emissions, while positively impacting the state's economy.

(2) The legislature further finds that the health and welfare of the people of the state of Washington is threatened by the prospect of crumbling or swamped coastlines, rising water, and more intense forest fires caused by higher temperatures and related droughts, all of which are intensified and made more frequent by the volume of greenhouse gas emissions. As of 2017, the transportation sector contributes 45 percent of Washington's greenhouse gas emissions, and the legislature's interest in the life cycle of the fuels used in the state arises from a concern for the effects of the production and use of these fuels on Washington's environment and public health, including its air quality, snowpack, and coastline.

(3) Therefore, it is the intent of the legislature to support the deployment of clean transportation fuel technologies through a carefully designed program that reduces the carbon intensity of fuel used in Washington, in order to:

(a) Reduce levels of conventional air pollutants from diesel and gasoline that are harmful to public health;

(b) Reduce greenhouse gas emissions associated with transportation fuels, which are the state's largest source of greenhouse gas emissions; and

(c) Create jobs and spur economic development based on innovative clean fuel technologies.

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

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO₂e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of

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carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

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

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

NEW SECTION. Sec. 3. (1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of section 4 of this act; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of section 4 of this act.

(2) The clean fuels program adopted by the department must be designed such that:

(a) Regulated parties generate deficits and may reconcile the deficits, and thus comply with the clean fuels program standards for a compliance period, by obtaining and retiring credits;

(b) Regulated parties and credit generators may generate credits for fuels used as substitutes or alternatives for gasoline or diesel;

(c) Regulated parties, credit generators, and credit aggregators shall have opportunities to trade credits; and

(d) Regulated parties shall be allowed to carry over to the next compliance period a small deficit without penalty.

(3) The department shall, throughout a compliance period, regularly monitor the availability of fuels needed for compliance with the clean fuels program.

(4)(a) Under the clean fuels program, the department shall monthly calculate the volume-weighted average price of credits and, no later than the last day of the month immediately following the month for which the calculation is completed, post the formula and the nonaggregated data the department used for the calculation and the results of the calculation on the department's website.

(b) In completing the calculation required by this subsection, the department may exclude from the data set credit transfers without a price or other credit transfers made for a price that falls two standard deviations outside of the mean credit price for the month. Data posted on the department's website under this section may not include any individually identifiable information or information that would constitute a trade secret.

(5)(a) Except as provided in this section, the rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 20 percent below 2017 levels by 2038 based on the following schedule:

(i) No more than 0.5 percent each year in 2023 and 2024;

(ii) No more than an additional one percent each year beginning in 2025 through 2027;

(iii) No more than an additional 1.5 percent each year beginning in 2028 through 2031; and

(iv) No change in 2032 and 2033.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023, except as provided in subsection (8) of this section.

(6) Beginning with the program year beginning in calendar year 2028, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this section beyond a 10 percent reduction in carbon intensity until the department demonstrates that the following have occurred:

(a) At least a 15 percent net increase in the volume of in-state liquid biofuel production and the use of feedstocks grown or produced within the state relative to the start of the program; and

(b) At least one new or expanded biofuel production facility representing an increase in production capacity or producing, in total, in excess of 60,000,000 gallons of biofuels per year has or have received after July 1, 2021, all necessary siting, operating, and environmental permits post all timely and applicable appeals. As part of the threshold of 60,000,000 gallons of biofuel under this subsection, at least one new facility producing at least 10,000,000 gallons per year must have received all necessary siting, operating, and environmental permits. Timely and applicable appeals must be determined by the attorney general's office.

(7) Beginning with the program year beginning in calendar year 2031, the department may not increase the carbon intensity reductions required by the applicable clean fuels program standard adopted by the department under subsection (5) of this

section beyond a 10 percent reduction in carbon intensity until the:

(a) Joint legislative audit and review committee report required in section 15 of this act has been completed; and

(b) 2033 regular legislative session has adjourned, in order to allow an opportunity for the legislature to amend the requirements of this chapter in light of the report required in (a) of this subsection.

(8)(a) In order to coordinate and synchronize the clean fuels program with other transportation-related investments, the department may not assign compliance obligations or allow the generation of credits under this chapter until a separate additive transportation revenue act becomes law, at which time the department of licensing must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser.

(b) For the purposes of this subsection, "additive transportation revenue act" means an act enacted after April 1, 2021, in which the state fuel tax under RCW 82.38.030 is increased by an additional and cumulative tax rate of at least five cents per gallon of fuel.

(9) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(10) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

NEW SECTION. Sec. 4. The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in section 3 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in section 3 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers,

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importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in section 5 of this act, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in section 3 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms must include the credit clearance market specified in subsection (8) of this section and may also include, but are not limited to:

(i) Procedures similar to the credit clearance market required in subsection (8) of this section that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(ii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act;

(8)(a)(i) A credit clearance market for any compliance period in which at least one regulated party reports that the regulated party has a net deficit balance at the end of the compliance period, after retirement of all credits held by the regulated party, that is greater than a small deficit. A regulated party described by this subsection is required to participate in the credit clearance market.

(ii) If a regulated party has a small deficit at the end of a compliance period, the regulated party shall notify the department that it will achieve compliance with the clean fuels program during the compliance period by either: (A) Participating in a credit clearance market; or (B) carrying forward the small deficit.

(b) For the purposes of administering a credit clearance market required by this section, the department shall:

(i) Allow any regulated party, credit generator, or credit aggregator that holds excess credits at the end of the compliance period to voluntarily participate in the credit clearance market as a seller by pledging a specified number of credits for sale in the market;

(ii) Require each regulated party participating in the credit clearance market as purchaser of credits to:

(A) Have retired all credits in the regulated party's possession prior to participating in the credit clearance market; and

(B) Purchase the specified number of the total pledged credits that the department has determined are that regulated party's pro rata share of the pledged credits;

(iii) Require all sellers to:

(A) Agree to sell pledged credits at a price no higher than a maximum price for credits;

(B) Accept all offers to purchase pledged credits at the maximum price for credits; and

(C) Agree to withhold any pledged credits from sale in any transaction outside of the credit clearance market until the end of the credit clearance market, or if no credit clearance market is held in a given year, then until the date on which the department announces it will not be held.

(c)(i) The department shall set a maximum price for credits in a credit clearance market, consistent with states that have adopted similar clean fuels programs, not to exceed \$200 in 2018 dollars for 2023.

(ii) For 2024 and subsequent years, the maximum price may exceed \$200 in 2018 dollars, but only to the extent that a greater maximum price for credits is necessary to annually adjust for inflation, beginning on January 1, 2024, pursuant to the increase, if any, from the preceding calendar year in the consumer price index for all urban consumers, west region (all items), as published by the bureau of labor statistics of the United States department of labor.

(d) A regulated party that has a net deficit balance after the close of a credit clearance market:

(i) Must carry over the remaining deficits into the next compliance period; and

(ii) May not be subject to interest greater than five percent, penalties, or assertions of noncompliance that accrue based on the carryover of deficits under this subsection.

(e) If a regulated party has been required under (a) of this subsection to participate as a purchaser in two consecutive credit clearance markets and continues to have a net deficit balance after the close of the second consecutive credit clearance market, the department shall complete, no later than two months after the close of the second credit clearance market, an analysis of the root cause of an inability of the regulated party to retire the remaining deficits. The department may recommend and implement any remedy that the department determines is necessary to address the root cause identified in the analysis including, but not limited to, issuing a deferral, provided that the remedy implemented does not:

(i) Require a regulated party to purchase credits for an amount that exceeds the maximum price for credits in the most recent credit clearance market; or

(ii) Compel a person to sell credits.

(f) If credits sold in a credit clearance market are subsequently invalidated as a result of fraud or any other form of noncompliance on the part of the generator of the credit, the department may not pursue civil penalties against, or require credit replacement by, the regulated party that purchased the credits unless the regulated party was a party to the fraud or other form of noncompliance.

(g) The department may not disclose the deficit balances or pro rata share purchase requirements of a regulated party that participates in the credit clearance market;

(9) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

NEW SECTION. Sec. 5. (1) The rules adopted under sections 3 and 4 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under sections 3 and 4 of this act must exempt the following transportation fuels from greenhouse gas emission intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emission intensity reduction requirements applicable to transportation fuels specified in section 3 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under sections 3 and 4 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under sections 3 and 4 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to the effective date of this section or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

NEW SECTION. Sec. 6. (1) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric

utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(d) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under sections 3 and 4 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted under sections 3 and 4 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. The department must limit the number of credits that may be earned each year under subsection (3) of this section to 10 percent of the total program credits. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

NEW SECTION. Sec. 7. (1) Except where otherwise provided in this chapter, the department shall seek to adopt rules that are harmonized with the regulatory standards, exemptions, reporting obligations, and other clean fuels program compliance requirements and methods for credit generation of other states that:

(a) Have adopted low carbon fuel standards or similar greenhouse gas emissions requirements applicable specifically to transportation fuels; and

(b)(i) Supply, or have the potential to supply, significant quantities of transportation fuel to Washington markets; or

(ii) To which Washington supplies, or has the potential to supply, significant quantities of transportation fuel.

(2) The department must establish and periodically consult a stakeholder advisory panel, including representatives of forestland and agricultural landowners, for purposes of soliciting input on how to best incentivize and allot credits for the sequestration of greenhouse gases through activities on agricultural and forestlands in a manner that is consistent with the goals and requirements of this chapter.

(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets.

(4) In any reports to the legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from

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small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under chapter 70A.30 RCW, and the incremental benefits to air pollution attributable to the program created under this chapter.

NEW SECTION. Sec. 8. (1)(a) Each producer or importer of any amount of a transportation fuel that is ineligible to generate credits consistent with the requirements of section 4(3) of this act must register with the department.

(b) Electric vehicle manufacturers and producers, importers, distributors, users, and retailers of transportation fuels that are eligible to generate credits consistent with section 4(3) of this act must register with the department if they elect to participate in the clean fuels program.

(c) Other persons must register with the department to generate credits from other activities that support the reduction of greenhouse gas emissions associated with transportation in Washington.

(2) Each transaction transferring ownership of transportation fuels for which clean fuels program participation is mandated must be accompanied by documentation, in a format approved by the department, that assigns the clean fuels program compliance responsibility associated with the fuels, including the assignment of associated credits. The department may also require documentation assigning clean fuels program compliance responsibility associated with fuels for which program participation has been elected.

(3) The department may adopt rules requiring the periodic reporting of information to the department by persons associated with the supply chains of transportation fuels participating in the clean fuels program. To the extent practicable, the rules must establish reporting procedures and timelines that are consistent with similar programs in other states that reduce the greenhouse gas emission intensity of transportation fuel and with procedures and timelines of state programs requiring similar information to be reported by regulated parties, including electric utilities.

(4) RCW 70A.15.2510 applies to records or information submitted to the department under this chapter.

NEW SECTION. Sec. 9. (1)(a) Fifty percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel.

(b) Sixty percent of the revenues described in (a) of this subsection, or 30 percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program, must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel, located within or directly benefiting a federally designated nonattainment or maintenance area, a federally designated nonattainment or maintenance area that existed as of January 1, 2021, a disproportionately impacted community identified by the department of health, or an area designated by the department as being at risk of nonattainment, if such a nonattainment or maintenance area or disproportionately impacted community is within the service area of the utility.

(2)(a) Each electric utility must spend 50 percent of revenues not subject to the requirements of subsection (1) of this section on one or more transportation electrification programs or projects it

selects from a list of types of programs and projects jointly developed by the department and the Washington state department of transportation. The department and the Washington state department of transportation must develop the list based on those with the highest impact on reducing greenhouse gas emissions and decarbonizing the transportation sector. The types of transportation electrification projects or programs placed on the list must include, but are not limited to:

(i) Provision of new or used zero emissions vehicles at no cost or at a discount to nonprofit service providers, transit agencies, or public fleets for the purpose of providing transportation services for low-income or vulnerable populations or to reduce transportation costs for the nonprofits, transit agencies, or public fleets serving low-income or vulnerable populations;

(ii) Construction, operation, or maintenance of, or funding for charging infrastructure, including smart charging infrastructure, or hydrogen fueling infrastructure;

(iii) Expanding grid capacity to enable transportation electrification investments directly associated with expenditures permitted by this chapter; and

(iv) Partnership programs with public and private vehicle fleet owners to enable increased electrification of transportation.

(b) Under (a) of this subsection, electric utilities should consider programs or projects that expand low and moderate-income customer access to zero emissions transportation, when prioritizing program expenditures.

(3) Electric utilities that participate in the clean fuels program must annually provide information to the department accounting for and briefly describing all expenditures of revenues generated from credits earned under the clean fuels program.

NEW SECTION. Sec. 10. (1) Beginning May 1, 2025, and each May 1st thereafter, the department must post a report on the department's website that includes the following information regarding the previous calendar year of clean fuels program activities:

(a) The program-wide number of credits and deficits generated by entities participating in the clean fuels program;

(b) The volumes of each transportation fuel and average price per credit used to comply with the requirements of the clean fuels program;

(c) The best estimate or range in probable costs or cost savings attributable to the clean fuels program per gallon of gasoline and per gallon of diesel, as determined by an independent consultant whose services the department has contracted. The estimate or range in probable costs or cost savings from the independent consultant must be announced in a press release to the news media at the time that the report under this subsection (1) is posted to the department's website, and must be simultaneously reported to the transportation committees of the house of representatives and the senate;

(d) The total greenhouse gas emissions reductions attributable to the clean fuels program isolated from the greenhouse gas emissions reductions attributable to other state and national programs on the same fuels; and

(e) The range in the probable cost per ton of greenhouse gas emissions reductions attributable to fuels supported by the clean fuels program, taking into account the information in (c) and (d) of this subsection.

(2) Nothing in this section prohibits the department from posting information described in subsection (1) of this section on a more frequent basis than once per year.

(3) By May 1, 2025, and each May 1st thereafter, the department must submit the report required under subsection (1) of this section to the appropriate committees of the house of representatives and senate.

(4) The department must contract for a one-time ex ante independent analysis of the information specified in subsection (1)(c) of this section covering each year of the program through 2038. The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology used and price impact imputed. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by July 1, 2022.

NEW SECTION. Sec. 11. (1) In consultation with the department, the utilities and transportation commission, and the department of agriculture, the department of commerce must develop a periodic fuel supply forecast to project the availability of fuels to Washington necessary for compliance with clean fuels program requirements.

(2) Based upon the estimates in subsection (3) of this section, the fuel supply forecast must include a prediction by the department of commerce regarding whether sufficient credits will be available to comply with clean fuels program requirements.

(3) The fuel supply forecast for each upcoming compliance period must include, but is not limited to, the following:

(a) An estimate of the potential volumes of gasoline, gasoline substitutes, and gasoline alternatives, and diesel, diesel substitutes, and diesel alternatives available to Washington. In developing this estimate, the department of commerce must consider, but is not limited to considering:

(i) The existing and future vehicle fleet in Washington; and
(ii) Any constraints that might be preventing access to available and cost-effective low carbon fuels by Washington, such as geographic and logistical factors, and alleviating factors to the constraints;

(b) An estimate of the total banked credits and carried over deficits held by regulated parties, credit generators, and credit aggregators at the beginning of the compliance period, and an estimate of the total credits attributable to fuels described in (a) of this subsection;

(c) An estimate of the number of credits needed to meet the applicable clean fuels program requirements during the forecasted compliance period; and

(d) A comparison in the estimates of (a) and (b) of this subsection with the estimate in (c) of this subsection, for the purpose of indicating the availability of fuels and banked credits needed for compliance with the requirements of this chapter.

(4) The department of commerce, in coordination with the department, may appoint a forecast review team of relevant experts to participate in the fuel supply forecast or examination of data required by this section. The department of commerce must finalize a fuel supply forecast for an upcoming compliance period by no later than 90 days prior to the start of the compliance period.

NEW SECTION. Sec. 12. (1) No later than 30 calendar days before the commencement of a compliance period, the department shall issue an order declaring a forecast deferral if the fuel supply forecast under section 11 of this act projects that the amount of credits that will be available during the forecast compliance period will be less than 100 percent of the credits projected to be necessary for regulated parties to comply with the scheduled applicable clean fuels program standard adopted by the department for the forecast compliance period.

(2) An order declaring a forecast deferral under this section must set forth:

(a) The duration of the forecast deferral;
(b) The types of fuel to which the forecast deferral applies; and

(c) Which of the following methods the department has selected for deferring compliance with the scheduled applicable clean fuels program standard during the forecast deferral:

(i) Temporarily adjusting the scheduled applicable clean fuels program standard to a standard identified in the order that better reflects the forecast availability of credits during the forecast compliance period and requiring regulated parties to comply with the temporary standard;

(ii) Requiring regulated parties to comply only with the clean fuels program standard applicable during the compliance period prior to the forecast compliance period; or

(iii) Suspending deficit accrual for part or all of the forecast deferral period.

(3)(a) In implementing a forecast deferral, the department may take an action for deferring compliance with the clean fuels program standard other than, or in addition to, selecting a method under subsection (2)(c) of this section only if the department determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the clean fuels program standards during the forecast deferral.

(b) If the department makes the determination specified in (a) of this subsection, the department shall:

(i) Include in the order declaring a forecast deferral the determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;
(B) The president of the senate;
(C) The speaker of the house of representatives;
(D) The majority and minority leaders of the senate; and
(E) The majority and minority leaders of the house of representatives.

(4) The duration of a forecast deferral may not be less than one calendar quarter or longer than one compliance period. Only the department may terminate, by order, a forecast deferral before the expiration date of the forecast deferral. Termination of a forecast deferral is effective on the first day of the next calendar quarter after the date that the order declaring the termination is adopted.

NEW SECTION. Sec. 13. (1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under section 3 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

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(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under section 4 of this act if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in section 11 of this act, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

NEW SECTION. Sec. 14. (1) The department may require that persons that are required or elect to register or report under this chapter pay a fee. If the department elects to require program participants to pay a fee, the department must, after an opportunity for public review and comment, adopt rules to establish a process to determine the payment schedule and the amount of the fee charged. The amount of the fee must be set so as to equal but not exceed the projected direct and indirect costs to the department for developing and implementing the program and the projected direct and indirect costs to the department of

commerce to carry out its responsibilities under section 11 of this act. The department and the department of commerce must prepare a biennial workload analysis and provide an opportunity for public review of and comment on the workload analysis. The department shall enter into an interagency agreement with the department of commerce to implement this section.

(2) The clean fuels program account is created in the state treasury. All receipts from fees and penalties received under the program created in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. The department may only use expenditures from the account for carrying out the program created in this chapter.

(3) All rule making authorized under this act must be conducted according to the standards for significant legislative rules provided in RCW 34.05.328.

NEW SECTION. Sec. 15. (1) By December 1, 2030, the joint legislative audit and review committee must analyze the impacts of the initial five years of clean fuels program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the clean fuels program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries generating credits or deficits. The categories of industries assessed must include but are not limited to electric utilities, oil refineries, and other industries involved in the production of high carbon fuels, industries involved in the delivery and sale of high carbon fuels, biofuel refineries, and industries involved in the delivery and sale of low carbon fuels;

(b) An evaluation of the information calculated and provided by the department under section 10(1) of this act;

(c) A summary of the estimated total statewide costs and benefits attributable to the clean fuels program, including state agency administrative costs and regulated entity compliance costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the clean fuels program;

(d) An evaluation of the impacts of the program on low-income households; and

(e) The outcomes of proposals to site biofuel facilities through the energy facility site evaluation council review process that is allowed by RCW 80.50.060(2).

(2) This section expires June 30, 2030.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received from the generation, purchase, sale, transfer, or retirement of credits under chapter 70A.--- RCW (the new chapter created in section 29 of this act).

(2) The provisions of RCW 82.32.805 and 82.32.808 do not apply to subsection (1) of this section.

Sec. 17. RCW 80.50.020 and 2010 c 152 s 1 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) "Alternative energy resource" includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(3) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(4) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(5) "Biofuel" (~~has the same meaning as defined in RCW 43.325.010~~) means a liquid or gaseous fuel derived from organic matter intended for use as a transportation fuel including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(6) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(7) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(10) "Electrical transmission facilities" means electrical power lines and related equipment.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more suspended on the surface of water by means of a barge, vessel, or other floating platform;

(c) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; ~~(and)~~

(f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities; and

(g) Facilities capable of producing more than one thousand five hundred barrels per day of refined biofuel but less than twenty-five thousand barrels of refined biofuel.

(13) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(14) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(15) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(16) "Preapplicant" means a person considering applying for a site certificate agreement for any transmission facility.

(17) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with cities, towns, and counties prior to accepting applications for all transmission facilities.

(18) "Secretary" means the secretary of the United States department of energy.

(19) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(20) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel for distribution of electricity by electric utilities.

(21) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves

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for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission.

(22) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

Sec. 18. RCW 80.50.060 and 2007 c 325 s 2 are each amended to read as follows:

(1) ~~((The))~~ Except for biofuel refineries specified in RCW 80.50.020(12)(g), the provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 ~~((7))~~ (12) and ~~((45))~~ (21). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing biofuel refinery specified in RCW 80.50.020(12)(g) or a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3)(a) The provisions of this chapter apply to the construction, reconstruction, or modification of electrical transmission facilities when:

(i) The facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or

(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3).

(b) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or

dimensions beyond those set forth in RCW 80.50.020 ~~((7))~~ (12) and ~~((45))~~ (21).

(5) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 19. RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each amended to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

(a) For vehicle registrations that are due or become due before July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight;

(ii) Is the difference determined by subtracting the vehicle license fee required in RCW 46.17.350 from the license fee in Schedule B of RCW 46.17.355, plus two dollars; and

(iii) Must be distributed under RCW 46.68.415.

(b) For vehicle registrations that are due or become due on or after July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	\$ 25.00
6,000 pounds	\$ 45.00
8,000 pounds	\$ 65.00
16,000 pounds and over	\$ 72.00;

(ii) If the resultant motor vehicle scale weight is not listed in the table provided in (b)(i) of this subsection, must be increased to the next highest weight; and

(iii) Must be distributed under RCW 46.68.415 unless prior to July 1, 2023, the actions described in (b)(iii)(A) or (B) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(A) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(B) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) Beginning July 1, 2022, in addition to the motor vehicle weight fee as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant to pay an additional weight fee of ten dollars, which must be distributed to the multimodal transportation account under RCW 47.66.070 unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(4) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

Sec. 20. RCW 46.25.100 and 2015 3rd sp.s. c 44 s 208 are each amended to read as follows:

(1) When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license or commercial learner's permit restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090 or until the department has received a drug and alcohol assessment and evidence is presented of satisfactory participation in or completion of any required drug or alcohol treatment program for ending the disqualification under RCW 46.25.090(7). After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, or one hundred fifty dollars if the person has been disqualified under RCW 46.25.090(7), the person may apply for a new, duplicate, or renewal commercial driver's license or commercial learner's permit as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license or commercial learner's permit qualification standards specified in RCW 46.25.060.

(2) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 208, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 21. RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is twenty-four dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

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(5) The enhanced driver's license and enhanced identicaid fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 22. RCW 46.25.052 and 2015 3rd sp.s. c 44 s 206 are each amended to read as follows:

(1) The department may issue a CLP to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has:

(a) Submitted an application on a form or in a format provided by the department;

(b) Passed the general knowledge examination required for issuance of a CDL under RCW 46.25.060 for the commercial motor vehicle classification in which the applicant operates or expects to operate; and

(c) Paid the appropriate examination fee or fees and an application fee of ten dollars until June 30, 2016, and forty dollars beginning July 1, 2016.

(2) A CLP must be marked "commercial learner's permit" or "CLP," and must be, to the maximum extent practicable, tamperproof. Other than a photograph of the applicant, it must include, but not be limited to, the information required on a CDL under RCW 46.25.080(1).

(3) The holder of a CLP may drive a commercial motor vehicle on a highway only when in possession of a valid driver's license and accompanied by the holder of a valid CDL who has the proper CDL classification and endorsement or endorsements necessary to operate the commercial motor vehicle. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.

(4) A CLP may be classified in the same manner as a CDL under RCW 46.25.080(2)(a).

(5) CLPs may be issued with only P, S, or N endorsements as described in RCW 46.25.080(2)(b).

(a) The holder of a CLP with a P endorsement must have taken and passed the P endorsement knowledge examination. The holder of a CLP with a P endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section. The P endorsement must be class specific.

(b) The holder of a CLP with an S endorsement must have taken and passed the S endorsement knowledge examination. The

holder of a CLP with an S endorsement is prohibited from operating a school bus with passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section.

(c) The holder of a CLP with an N endorsement must have taken and passed the N endorsement knowledge examination. The holder of a CLP with an N endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and has not been purged of any residue.

(6) A CLP may be issued with appropriate restrictions as described in RCW 46.25.080(2)(c). In addition, a CLP may be issued with the following restrictions:

(a) "P" restricts the driver from operating a bus with passengers;

(b) "X" restricts the driver from operating a tank vehicle that contains cargo; and

(c) Any restriction as established by rule of the department.

(7) The holder of a CLP is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(8) A CLP may not be issued for a period to exceed one hundred eighty days. The department may renew the CLP for one additional one hundred eighty-day period without requiring the CLP holder to retake the general and endorsement knowledge examinations.

(9) The department must transmit the fees collected for CLPs to the state treasurer for deposit in the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 206, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 23. RCW 46.25.060 and 2020 c 78 s 2 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person:

(i) Is a resident of this state;

(ii) Has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;

(iii) If he or she does not hold a valid commercial driver's license of the appropriate classification, has been issued a commercial learner's permit under RCW 46.25.052; and

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49

C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars until June 30, 2016, and two hundred fifty dollars beginning July 1, 2016, for each classified skill examination or combination of classified skill examinations conducted by the department.

(c) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills examination specified by this section under the following conditions:

(i) The examination is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(d) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars until June 30, 2016, and two hundred twenty-five dollars beginning July 1, 2016, for the classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.216.505.

(e) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department.

(f) Beginning July 1, 2016, payment of the examination fees under this subsection entitles the applicant to take the examination up to two times in order to pass.

(2)(a) The department may waive the skills examination and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77. For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department may also waive the requirements for a knowledge test for commercial driver's license applicants. Beginning December 1, 2021, the department shall provide an annual report to the house and senate transportation committees and the joint committee on veterans' and military affairs of the legislature on the number and types of waivers granted pursuant to this subsection.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the

department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (2)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

The department shall notify the transportation committees of the legislature if the federal government takes action affecting the exemption provided in this subsection (2)(b).

(3) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 207, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

Sec. 24. RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter (~~(or)~~) chapter 70A.25 or 70A.--- (the new chapter created in section 29 of this act) RCW, RCW 70A.45.080, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

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(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

Sec. 25. RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 (~~(e)~~), 70A.45₂, or 70A.--- (the new chapter created in section 29 of this act) RCW, RCW 70A.45.080, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission

or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 26. RCW 19.112.110 and 2013 c 225 s 601 are each amended to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW, the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW prevail.

Sec. 27. RCW 19.112.120 and 2013 c 225 s 602 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

(6) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 29 of this act) RCW, the requirements of chapter 70A.-- (the new chapter created in section 29 of this act) RCW prevail.

NEW SECTION. Sec. 28. A new section is added to chapter 43.21A RCW to read as follows:

(1) The department, in coordination with the department of commerce and other agencies as appropriate, must develop recommendations for potential improvements to the permitting processes for industrial projects and facilities in Washington that would contribute to achieving greenhouse gas emissions limits established under RCW 70A.45.020 while maintaining standards for the protection of the environment and the preservation of tribal consultation and treaty rights. The department must provide increased clarity on areas in the state that may be suitable for siting projects that have a lower potential for negative environmental impacts, especially to highly impacted communities as defined in RCW 19.405.020 and identify strategies for minimizing and mitigating negative environmental impacts where possible. The department must provide clear guidance and direction intended to improve project proposals, recommend policy and administrative improvements necessary to improve the permitting process, and recommend any additional studies needed. The department shall convene businesses, local governments, community organizations, and environmental and labor stakeholders, and consult with tribes.

(2) The department and the department of commerce shall produce and submit to the governor and the legislature an interim progress report with initial policy proposal recommendations for the 2022 legislative session by December 1, 2021, and a final report including findings, recommendations, and further policy proposals by December 1, 2022.

(3) This section expires June 30, 2023.

NEW SECTION. Sec. 29. Sections 1 through 15 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 30. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 31. 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. In the event that there is litigation on the provisions of section 3(6) of this act or any other provision of this act, it is the intent of the legislature that the remainder of the act shall continue to be enforced and if such provisions are held invalid, the remainder of the act shall not be affected."

On page 1, line 2 of the title, after "fuel;" strike the remainder of the title and insert "amending RCW 80.50.060, 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; reenacting and amending RCW 80.50.020; adding a section to chapter 82.04 RCW; adding a new section to chapter 43.21A RCW; adding a new chapter to Title 70A RCW; creating new sections; prescribing penalties; and providing expiration dates."

And the bill do pass as recommended by the conference committee.

Signed by Senators Carlyle and Mullet; Representatives Fitzgibbon and Slatter.

MOTION

Senator Carlyle moved that the Report of the Conference Committee on Engrossed Third Substitute House Bill No. 1091 be adopted.

Senators Carlyle, Stanford and Rolfes spoke in favor of passage of the motion.

Senators King, Ericksen, Rivers, Fortunato, Wilson, J., Schoesler, Short and Wagoner spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Report of the Conference Committee on Engrossed Third Substitute House Bill No. 1091 be adopted.

The motion by Senator Carlyle carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1091, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GENE C. SHARRATT, reappointed March 27, 2021, for the term ending March 26, 2025, as Member of the Higher Education Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9292.

April 1, 2021

ONE HUNDRED FIFTH DAY, APRIL 25, 2021
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRESTIN G. BAHR, appointed April 1, 2021, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9293.

April 5, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TATEASHA M. DAVIS, reappointed April 16, 2021, for the term ending April 15, 2026, as Member of the Indeterminate Sentence Review Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9294.

April 21, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRISTINE REEVES, appointed May 3, 2021, for the term ending June 30, 2026, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9295.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

At 3:26 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:23 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1322, by House Committee on Transportation (originally sponsored by Wylie, Harris, Ortiz-Self and Eslick)

Addressing off-road vehicle and snowmobile registration enforcement.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be not adopted:

was not foundStrike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.09.420 and 2013 2nd sp.s. c 23 s 14 are each amended to read as follows:

ORV registrations and decals are required under this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision of the United States or another state.

(2) Off-road vehicles owned and operated by this state, a municipality, or a political subdivision of this state or the municipality.

(3) Off-road vehicles operated on and across agricultural and timberlands owned, leased, or managed by the off-road vehicle owner or operator or operator's employer.

(4)(a) Off-road vehicles owned by a resident of another state that have a valid ORV use permit or vehicle registration issued in accordance with the laws of the other state. This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state.

(b) The exemption in (a) of this subsection does not apply to an off-road vehicle owned by a resident of a state that borders Washington and that does not impose a retail sales and use tax on the sales or use of off-road vehicles.

(5) Off-road vehicles while being used for emergency management purposes under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011.

(6) Vehicles registered under chapter 46.16A RCW or, in the case of nonresidents, vehicles validly registered for operation over public highways in the jurisdiction of the owner's residence.

(7) Off-road vehicles operated by persons who, in good faith, render emergency care or assistance with respect to an incident involving off-road vehicles. Persons who operate off-road vehicles to render such care, assistance, or advice are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Sec. 2. RCW 46.09.400 and 2013 2nd sp.s. c 23 s 12 are each amended to read as follows:

The department shall:

(1) Issue registrations and temporary ORV use permits for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section;

(2) Issue decals for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section. The decals serve the same function as license plates for vehicles registered under chapter 46.16A RCW;

(3) ((Charge)) (a) Except as provided in (b) of this subsection, charge a fee for each decal covering the actual cost of the decal;

(b) Charge no fee for the decal, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for either an original Washington ORV registration or a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle; and

(4) Issue metal tags, off-road vehicle registrations, and on-road vehicle registrations for wheeled all-terrain vehicles.

Sec. 3. RCW 46.09.410 and 2013 2nd sp.s. c 23 s 13 are each amended to read as follows:

(1)(a) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW 46.16A.040 and, except as provided in (b) of this subsection, must be accompanied by the annual off-road vehicle license fee required under RCW 46.17.350, in addition to any other fees or taxes due for the application.

(b) The license fee provided in RCW 46.17.350 is not required with an application for an original ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for an original Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle.

(2)(a) The application for renewal of an ORV registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16A.110 and, except as provided in (b) of this subsection, must be accompanied by the annual off-road vehicle license fee required under RCW 46.17.350, in addition to any other fees or taxes due for the application.

(b) The license fee provided in RCW 46.17.350 is not required with an application for renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle.

(3) The annual ORV registration is valid for one year and may be renewed each subsequent year as prescribed by the department.

(4) A person who acquires an off-road vehicle that has an ORV registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the ORV registration within fifteen days of taking possession of the off-road vehicle; and

(b) Pay the ORV registration transfer fee required under RCW 46.17.410, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue an ORV registration, decals, and tabs upon receipt of:

(a) A properly completed application for an original ORV registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The ORV registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Off-road vehicle decals must be affixed to the off-road vehicle in a manner prescribed by the department.

(8) Unless exempt under RCW 46.09.420, any out-of-state operator of an off-road vehicle, when operating in this state, must comply with this chapter. If an ORV registration is required under this chapter, the out-of-state operator must obtain an ORV registration and decal or a temporary ORV use permit.

(9) This section does not apply to wheeled all-terrain vehicles registered for use under RCW 46.09.442.

Sec. 4. RCW 46.09.442 and 2016 c 84 s 3 are each amended to read as follows:

(1) Any wheeled all-terrain vehicle operated within this state must display a metal tag to be affixed to the rear of the wheeled all-terrain vehicle. The initial metal tag must be issued with an original off-road vehicle registration and, except as provided in subsection (7) of this section, upon payment of the initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag must be replaced every seven years at a cost of two dollars. Revenue from replacement metal tags must be deposited into the nonhighway and off-road vehicle activities program account. The department must design the metal tag, which must:

(a) Be the same size as a motorcycle license plate;

(b) Have the words "RESTRICTED VEHICLE" listed at the top of the tag;

(c) Contain designated identification through a combination of letters and numbers;

(d) Leave space at the bottom left corner of the tag for an off-road tab issued under subsection (2) of this section; and

(e) Leave space at the bottom right corner of the tag for an on-road tab, when required, issued under subsection (3) of this section.

(2) Except as provided in (~~subsection~~) subsections (6)(b) and (7) of this section, a person who operates a wheeled all-terrain vehicle must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(s), which must be deposited into the nonhighway and off-road vehicle activities program account. The off-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(s), except as provided in subsection (7) of this section.

(3) Except as provided in (~~subsection~~) subsections (6)(a) and (7) of this section, a person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, which must be of a bright color that can be seen from a reasonable distance, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(r), except as provided in subsection (7) of this section.

(4) Beginning July 1, 2017, for purposes of subsection (3) of this section, a special year tab issued pursuant to chapter 46.19 RCW to a person with a disability may be displayed on a wheeled all-terrain vehicle in lieu of an on-road tab.

(5) A wheeled all-terrain vehicle may not be registered for commercial use.

(6)(a) A wheeled all-terrain vehicle registration and a metal tag are not required under this chapter for a wheeled all-terrain vehicle that meets the definition in RCW 46.09.310(19), is owned by a resident of another state, and has a vehicle registration and metal tag or license plate issued in accordance with the laws of the other state allowing for on-road travel in that state. This exemption applies only to the extent that: (i) A similar exemption or privilege is granted under the laws of that state for wheeled all-terrain vehicles registered in Washington, and (ii) the other state has equipment requirements for on-road use that meet or exceed the requirements listed in RCW 46.09.457. The department may publish on its web site a list of states that meet the exemption requirements under this subsection. The exemption in this subsection does not apply to a wheeled all-terrain vehicle owned by a resident of a state that borders Washington and that does not

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impose a retail sales and use tax on the sales or use of wheeled all-terrain vehicles.

(b) Off-road operation in Washington state of a wheeled all-terrain vehicle owned by a resident of another state and meeting the definition in RCW 46.09.310(19) is governed ~~((by))~~ in the same manner as for other off-road vehicles under RCW 46.09.420(4).

(7)(a) The license fee provided in RCW 46.17.350 is not required with an application for an original ORV registration or the renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle.

(b) The department must issue a metal tag and either the off-road tab, on-road tab, or both, as appropriate, following the ORV registration under (a) of this subsection.

Sec. 5. RCW 46.93.210 and 2017 c 218 s 4 are each amended to read as follows:

(1) By the first business day in February of each year, beginning in 2018, motorsports vehicle manufacturers must report to the department of licensing a listing of all motorsports vehicle warranties for off-road vehicles under chapter 46.09 RCW and snowmobiles under chapter 46.10 RCW sold to Washington residents by out-of-state motorsports vehicle dealers in the previous calendar year. The report must be transmitted such that the department receives the listing no later than the first business day in February. Failure to report a complete listing as required under this subsection results in an administrative fine of one hundred dollars for each day after the first business day in February that the department has not received the report.

(2) The department of licensing shall examine the listing reported in subsection (1) of this section to verify whether the vehicles are properly registered in the state and shall transmit the results of its analysis to the department of revenue. Beginning in 2018, and to the extent that it has received the listing required under subsection (1) of this section, the department and the department of revenue shall jointly notify by ((certified mail from the United States postal service, with return receipt requested,)) first-class mail from the United States postal service by the end of February of each year, the purchasers of the warranties of the off-road vehicles and snowmobiles that are not properly registered in the state of the owner's obligations under state law regarding vehicle titling, registration, and use tax payment, as well as of the penalties for failure to comply with the law.

(3) Fines received under this section must be paid into the state treasury and credited to the nonhighway and off-road vehicle activities program account under RCW 46.09.510 and to the snowmobile account under RCW 46.68.350. The state treasurer must apportion the fines between the accounts according to the pro rata share of the number of off-road vehicle and snowmobile registrations in the previous calendar year. The department must provide the state treasurer with the information needed to determine the apportionment.

Sec. 6. RCW 46.09.495 and 2017 c 218 s 2 are each amended to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to ~~((knowingly))~~:

(a) Knowingly fail to apply for a Washington state certificate of title for, or to knowingly fail to register, an off-road vehicle within fifteen days of receiving or refusing a notice issued by the department under RCW 46.93.210; or

(b) Register an off-road vehicle in another state to avoid retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, which may not be suspended, except as provided in RCW 10.05.180.

(3) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

Sec. 7. RCW 46.10.505 and 2017 c 218 s 3 are each amended to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to ~~((knowingly))~~:

(a) Knowingly fail to register a snowmobile within fifteen days of receiving or refusing a notice issued by the department under RCW 46.93.210; or

(b) Register a snowmobile in another state to avoid retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, which may not be suspended, except as provided in RCW 10.05.180.

(3) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. Sec. 8. This act takes effect October 1, 2021."

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; prescribing penalties; and providing an effective date."

Senator Hobbs spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be not adopt of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1322.

The motion by Senator Hobbs carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SIGNED BY THE PRESIDENT

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

- SUBSTITUTE HOUSE BILL NO. 1080,
- SUBSTITUTE HOUSE BILL NO. 1137,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,
- and ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477.

MESSAGES FROM THE HOUSE

April 25, 2021

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126,
- SUBSTITUTE SENATE BILL NO. 5165,
- ENGROSSED SENATE BILL NO. 5476,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1080,
- SUBSTITUTE HOUSE BILL NO. 1137,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 5092

April 24, 2021

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5092, have had the same under consideration and recommend that all previous

amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

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

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

(b) "CARES" means the coronavirus aid, relief, and economic security act, P.L. 116-136.

(c) "CRF" means the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

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

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

(f) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(g) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(h) "FTE" means full time equivalent.

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

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

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

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2022)	\$45,740,000
General Fund—State Appropriation (FY 2023)	\$46,804,000
TOTAL APPROPRIATION	\$92,544,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund—State Appropriation (FY 2022)	\$32,755,000
General Fund—State Appropriation (FY 2023)	\$35,699,000
TOTAL APPROPRIATION	\$68,454,000

The appropriations in this section are subject to the following conditions and limitations: \$260,000 of the general fund—state appropriation for fiscal year 2022 and \$270,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries

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legislative task force, and the western legislative forestry task force.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2022).....	\$303,000
General Fund—State Appropriation (FY 2023).....	\$248,000
Performance Audits of Government Account—State	
Appropriation.....	\$9,384,000
TOTAL APPROPRIATION.....	\$9,935,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$273,000 of the general fund—state appropriation for fiscal year 2022 and \$244,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5405 (racial equity analyses). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2021-2023 work plan as necessary to efficiently manage workload.

(3) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement House Bill No. 1296 (behavioral health service organizations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Second Substitute House Bill No. 1033 (employment training program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State	
Appropriation.....	\$4,664,000
TOTAL APPROPRIATION.....	\$4,664,000

NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2022)....	\$14,173,000
General Fund—State Appropriation (FY 2023)....	\$14,235,000
TOTAL APPROPRIATION.....	\$28,408,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2022).....	\$367,000
General Fund—State Appropriation (FY 2023).....	\$382,000
State Health Care Authority Administrative Account—	
State Appropriation.....	\$249,000
Department of Retirement Systems Expense Account—	
State Appropriation.....	\$6,095,000
School Employees' Insurance Administrative Account—	
State Appropriation.....	\$250,000
TOTAL APPROPRIATION.....	\$7,343,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2022).....	\$5,366,000
General Fund—State Appropriation (FY 2023).....	\$5,766,000

TOTAL APPROPRIATION\$11,132,000
NEW SECTION. Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2022).....	\$4,566,000
General Fund—State Appropriation (FY 2023).....	\$5,029,000
TOTAL APPROPRIATION	\$9,595,000

NEW SECTION. Sec. 109. FOR THE REDISTRICTING COMMISSION

General Fund—State Appropriation (FY 2022).....	\$1,633,000
General Fund—State Appropriation (FY 2023).....	\$22,000
TOTAL APPROPRIATION	\$1,655,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation for fiscal year 2023 is provided solely for the payment of expenses associated with the cessation of the commission's operations. The secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds.

NEW SECTION. Sec. 110. LEGISLATIVE AGENCIES

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

NEW SECTION. Sec. 111. FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2022).....	\$9,781,000
General Fund—State Appropriation (FY 2023).....	\$9,848,000
TOTAL APPROPRIATION	\$19,629,000

NEW SECTION. Sec. 112. FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2022).....	\$1,811,000
General Fund—State Appropriation (FY 2023).....	\$1,821,000
TOTAL APPROPRIATION	\$3,632,000

NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2022).....	\$1,650,000
General Fund—State Appropriation (FY 2023).....	\$1,649,000
TOTAL APPROPRIATION	\$3,299,000

NEW SECTION. Sec. 114. FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2022).....	\$21,818,000
General Fund—State Appropriation (FY 2023).....	\$22,146,000
TOTAL APPROPRIATION	\$43,964,000

NEW SECTION. Sec. 115. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2022).....	\$157,168,000
General Fund—State Appropriation (FY 2023).....	\$81,033,000
General Fund—Federal Appropriation.....	\$2,209,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation	\$6,692,000
Judicial Information Systems Account—State	
Appropriation	\$60,664,000
TOTAL APPROPRIATION	\$308,447,000

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

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate

reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for providing all courts with an electronic demographic survey for jurors who begin a jury term. The survey must collect data on each juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. This electronic data gathering must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall provide this demographic data in a report to the governor and the appropriate committees of the legislature, and publish a copy of the report on a publicly available internet address by June 30, 2023.

(4)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the center for court research at the administrative office of the courts to review the number and types of young individuals placed on electronic home monitoring over a 10 year time period. The center for court research shall work in collaboration with the Washington state partnership council on juvenile justice and the juvenile block grant proviso committee (which includes a representative from the juvenile rehabilitation administration, the office of the administrator of the courts, the office of financial management, and the juvenile courts) to identify the number of individuals under the age of 26 that have been placed on electronic home monitoring by the department of children, youth, and families and the number of individuals placed on electronic home monitoring by or through juvenile courts from the year 2010 through 2020. At a minimum, the study must identify:

(i) How electronic home monitoring is defined and used by each entity;

(ii) The various types of electronic home monitoring services and the equipment used by each entity;

(iii) Whether the type of electronic home monitoring equipment used is different depending upon the age or type of the offender;

(iv) Whether the state or local entity provides the supervision and monitoring of individuals placed on electronic home

monitoring or whether the supervision and monitoring are contracted services;

(v) By age, demographics, ethnicity, and race, the number of individuals that participated on electronic home monitoring each year;

(vi) By age, the offense committed that resulted in the individual being placed on electronic home monitoring, and the average duration of time individuals spent on electronic home monitoring; and

(vii) Whether electronic home monitoring was used as an alternative to or in lieu of incarceration or whether electronic home monitoring was used in addition to incarceration.

(b) The center for court research must complete a preliminary report by June 30, 2022, and submit a final report to the appropriate committees of the legislature by June 30, 2023.

(5) \$44,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Subject to the availability of amounts provided in this section, the office must provide grants to counties that demonstrate extraordinary judicial, prosecution, or defense expenses for those purposes. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(6) \$23,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to establish a legal financial obligation aid pool to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the *State v. Blake* ruling. County clerks may apply to the administrative office of the courts for a grant from the pool to assist with extraordinary costs of these refunds. State aid payments made to a county from the pool must first be attributed to any legal financial obligations refunded by the county on behalf of the state. The office must establish an application process for county clerks to seek funding and an equitable prioritization process for distributing the funding.

(7) \$1,782,000 of the general fund—state appropriation for fiscal year 2022 and \$749,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1320 (civil protection orders). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$68,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$165,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1167 (Thurston county superior court judge). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) \$1,094,000 of the general fund—state appropriation for fiscal year 2022 and \$1,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(11) \$4,505,000 of the general fund—state appropriation for fiscal year 2022 and \$4,505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No.

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5160 (landlord-tenant relations), including the management of an eviction resolution pilot program. By June 30, 2022, the department shall provide to the legislature a detailed report of eviction resolution program expenditures and outcomes including but not limited to the number of dispute resolution centers participating in the program, the number of individuals served by dispute resolution centers in the program, the average cost of resolution proceedings, and the number of qualified individuals who applied but were unable to be served by dispute resolution centers due to lack of funding or other reasons. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(12) \$325,000 of the general fund—state appropriation for fiscal year 2022 and \$304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5331 (early childhood court program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) \$44,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5226 (license suspensions/traffic). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) \$8,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for distribution to local courts for cost associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act in chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2021, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(15) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for costs to relocate staff from the temple of justice to another workspace if the omnibus capital appropriation act provides funding for improvements to the heating, ventilation, lighting, and plumbing improvements to the temple of justice. Staff from the administrative office of the courts shall work with the department of enterprise services and the office of financial management to acquire temporary space in a state owned facility that meets the needs of the supreme court. If a state facility cannot be found, the court may acquire temporary workspace as it chooses.

NEW SECTION. Sec. 116. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State Appropriation (FY 2022)....	\$53,975,000
General Fund—State Appropriation (FY 2023)....	\$54,202,000
General Fund—Federal Appropriation	\$362,000
General Fund—Private/Local Appropriation.....	\$30,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$3,896,000
TOTAL APPROPRIATION.....	\$112,465,000

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

(1) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public

defense to contract with a free legal clinic that has a medical-legal partnership and that currently provides parent representation to at-risk clients in dependency cases in Snohomish, Skagit, and King counties. Within amounts appropriated, the clinic must provide legal representation to parents who are pregnant or recently postpartum who are at risk of child abuse or neglect reports or investigations.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the purpose of improving the quality of trial court public defense services. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel-dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$443,000 of the general fund—state appropriation for fiscal year 2022 and \$683,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1140 (juvenile access to attorneys). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$5,500,000 of the general fund—state appropriation for fiscal year 2022 and \$5,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to assist counties with public defense costs related to vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amounts provided in this subsection:

(a) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight and for administering financial assistance for public defense costs related to *State v. Blake* impacts; and

(b) \$5,100,000 of the general fund—state appropriation for fiscal year 2022 and \$5,100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants allocated for public defense assistance. The allocation of grant funding shall be determined based upon a formula as established by the office of public defense, and must be provided: (i) To assist counties providing counsel for clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision; and (ii) to assist counties that may designate the office of public defense to contract directly with attorneys to represent and assist clients seeking to vacate a sentence or to be resentenced under the *State v. Blake* decision.

NEW SECTION. Sec. 117. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2022)	\$41,280,000
General Fund—State Appropriation (FY 2023)	\$42,685,000
General Fund—Federal Appropriation.....	\$379,000
Judicial Stabilization Trust Account—State	
Appropriation	\$1,464,000
TOTAL APPROPRIATION	\$85,808,000

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

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to

exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) \$568,000 of the general fund—state appropriation for fiscal year 2022 is appropriated solely to continue and expand civil legal representation for tenants in eviction cases.

(4) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

(5) \$5,440,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue civil legal assistance to individuals and families directly and indirectly affected by the COVID-19 pandemic and its related health, social, economic, legal, and related consequences.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2022 and \$1,511,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) \$10,772,000 of the general fund—state appropriation for fiscal year 2022 and \$11,478,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5160 (landlord-tenant relations), including representation of indigent tenants in unlawful detainer cases. By June 30, 2022, the department shall provide to the legislature a detailed report of program expenditures and outcomes including but not limited to the number of individuals served, the average cost of a representation case, and the number of qualified individuals who qualified for but were unable to receive representation for funding or other reasons. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide online automated plain language forms, outreach, education, technical assistance, and some legal assistance to help resolve civil matters surrounding legal financial obligations and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.

NEW SECTION. Sec. 118. FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2022).....	\$11,093,000
General Fund—State Appropriation (FY 2023).....	\$10,920,000
Economic Development Strategic Reserve Account—State Appropriation.....	\$5,000,000
TOTAL APPROPRIATION.....	\$27,013,000

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

(1) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$803,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

(2) \$1,289,000 of the general fund—state appropriation for fiscal year 2022 and \$1,289,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to

implement the provisions of chapter 332, Laws of 2020 (state equity office).

(3) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$230,000 of the general fund—state appropriation for fiscal year 2022 and \$120,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the education ombuds to support the language access work group that is reconvened and expanded in section 501(3)(g) of this act.

(6)(a) \$20,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state LGBTQ commission, in collaboration with the health care authority, department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(i) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

(ii) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(iii) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(b) The commission shall submit a brief report with recommendations to the appropriate committees of the legislature by November 1, 2021.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the cost to support the blue ribbon commission on the intersection of the criminal justice and behavioral health crisis systems that will be established by governor executive order.

(8) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum, as provided in section 129(70) of this act, with the statewide broadband office.

NEW SECTION. Sec. 119. FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2022).....	\$1,880,000
General Fund—State Appropriation (FY 2023).....	\$1,598,000
General Fund—Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	\$3,568,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the legislative committee on economic development and international relations to conduct a business competitiveness analysis of the state's economy. Expenditure of the amount provided in this section must comply with chapter 39.26 RCW.

NEW SECTION. Sec. 120. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2022).....	\$5,724,000
General Fund—State Appropriation (FY 2023).....	\$5,545,000
Public Disclosure Transparency Account—State Appropriation	\$1,014,000
TOTAL APPROPRIATION	\$12,283,000

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

(1) \$280,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

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

(3) \$424,000 of the public disclosure transparency account—state appropriation is provided solely for information technology staffing to meet the demands of maintaining online filing and disclosure systems.

(4) \$180,000 of the public disclosure transparency account—state appropriation is provided solely for a dedicated training and outreach staff to develop course materials and facilitate the creation of an expanded filer training program.

NEW SECTION. Sec. 121. FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2022)....	\$20,922,000
General Fund—State Appropriation (FY 2023)....	\$31,158,000
General Fund—Federal Appropriation	\$12,760,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation	\$10,005,000
Charitable Organization Education Account—State Appropriation.....	\$901,000
Washington State Library Operations Account—State Appropriation.....	\$11,698,000
Local Government Archives Account—State Appropriation.....	\$10,120,000
Election Account—Federal Appropriation	\$4,368,000
TOTAL APPROPRIATION.....	\$101,932,000

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

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and \$12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$3,051,500 of the general fund—state appropriation for fiscal year 2022 and \$3,051,500 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

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

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

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

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

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

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

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

(4) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(7) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staff to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(8) Within existing resources, the office of the secretary of state must research and evaluate availability of online trainings to include, but not be limited to, job-related, educational, and information technology trainings that are available free of charge. The office must compare those to the online trainings available from the Microsoft linked in academy. The office must report the comparative findings to fiscal committees of the legislature by September 1, 2022.

(9) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5034 (nonprofit corporations). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) \$269,000 of the government archives account—state appropriation is provided solely for implementation of Senate Bill No. 5019 (recording standards commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide

grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(12) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided to the state library as the designated state library administrative agency solely to administer and distribute institute of museum and library services grants to museums, tribal partners, and libraries for eligible expenses and services. Pursuant to federal directive, no more than four percent of distributed funds may be held for grant administration.

NEW SECTION. Sec. 122. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2022).....	\$905,000
General Fund—State Appropriation (FY 2023).....	\$401,000
TOTAL APPROPRIATION.....	\$1,306,000

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

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

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the governor's office of Indian affairs to engage in a process to develop recommendations on improving executive and legislative tribal relationships. In developing the recommendations, the governor's office of Indian affairs may contract with a third party facilitator.

(a) The governor's office of Indian affairs or the contracted third party must host and facilitate discussions between the executive branch, the legislative branch, and Indian tribes as defined in RCW 43.376.010 to develop the recommendations.

(b) By December 20, 2021, the governor's office of Indian affairs must submit a report of recommendations to the Governor and legislature in accordance with RCW 43.01.036. At a minimum, the report should include recommendations on:

- (i) An examination of government-to-government relationship with Indian tribes as in chapter 43.376 RCW;
- (ii) The consultation processes; and
- (iii) Training to be provided to state agencies and the legislature.

NEW SECTION. Sec. 123. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022).....	\$448,000
General Fund—State Appropriation (FY 2023).....	\$462,000
TOTAL APPROPRIATION.....	\$910,000

NEW SECTION. Sec. 124. FOR THE STATE TREASURER

General Fund—State Appropriation (FY 2022).....	\$250,000
General Fund—State Appropriation (FY 2023).....	\$250,000
State Treasurer's Service Account—State	

Appropriation.....	\$20,375,000
TOTAL APPROPRIATION.....	\$20,875,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1189 (tax increment financing). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 125. FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2022).....	\$613,000
General Fund—State Appropriation (FY 2023).....	\$1,062,000
Auditing Services Revolving Account—State	
Appropriation.....	\$14,456,000
Performance Audits of Government Account—State	
Appropriation.....	\$1,683,000
TOTAL APPROPRIATION.....	\$17,814,000

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

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

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

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

(4) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$1,030,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 126. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2022).....	\$252,000
General Fund—State Appropriation (FY 2023).....	\$279,000
TOTAL APPROPRIATION.....	\$531,000

NEW SECTION. Sec. 127. FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2022)....	\$18,708,000
General Fund—State Appropriation (FY 2023)....	\$23,379,000
General Fund—Federal Appropriation.....	\$18,226,000
Public Service Revolving Account—State Appropriation	
.....	\$4,145,000
New Motor Vehicle Arbitration Account—State	
Appropriation.....	\$1,721,000
Medicaid Fraud Penalty Account—State Appropriation	
.....	\$5,862,000
Child Rescue Fund—State Appropriation.....	\$80,000
Legal Services Revolving Account—State Appropriation	
.....	\$300,291,000
Local Government Archives Account—State	
Appropriation.....	\$1,004,000

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Tobacco Prevention and Control Account—State	
Appropriation.....	\$275,000
Consumer Privacy Account—State Appropriation .	\$1,241,000
TOTAL APPROPRIATION.....	\$374,932,000

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

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

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

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

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(7) \$1,600,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(8) \$28,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste and litter). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(9) \$584,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & correction officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) \$1,241,000 of the consumer privacy account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) \$122,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed

Substitute Senate Bill No. 5096 (capital gains tax). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) \$256,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) \$170,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) \$395,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5141 (environmental justice task force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) \$1,198,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) \$218,000 of the general fund—state appropriation for fiscal year 2022 and \$5,107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) \$1,485,000 of the general fund—state appropriation for fiscal year 2022 and \$958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

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

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

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

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

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

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

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

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

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

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

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight.

(18) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to fund the Washington state missing and murdered indigenous women and people task force created in section 955 of this act. Of these amounts:

(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to one tribal organization, one urban Indian organization, the American Indian health commission, and the Seattle Indian health board, that participate on the task force and perform work on behalf of the task force including but not limited to providing a collaborative report on missing and murdered indigenous women.

(b) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for stipends for participants, and to fund consultant services, managed and overseen by the office, for managing, coordinating, and reporting on behalf of the task force meetings and summit, including but not limited to providing data analysis, research, and other services as deemed necessary by the office and the task force facilitators.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the costs associated with staffing and facilitating, and the support costs relating to the implementation of, the annual task force summit. The office may contract for these services.

(19) \$196,000 of the legal services revolving account—state appropriation is provided solely to provide staff support to the joint legislative task force on jail standards created in section 957 of this act.

(20) \$38,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill

is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(21) \$294,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1259 (women & minority contracting). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) \$1,207,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(23) \$28,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1089 (law enforcement audits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(24) \$123,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(25) \$2,080,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) \$121,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(27) \$247,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) \$146,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 128. FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2022)	\$1,990,000
General Fund—State Appropriation (FY 2023)	\$1,982,000
Workforce Education Investment Account—State Appropriation	\$326,000
TOTAL APPROPRIATION	\$4,298,000

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

(1) \$326,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

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

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMERCE

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General Fund—State Appropriation (FY 2022) ..	\$193,804,000
General Fund—State Appropriation (FY 2023) ..	\$171,190,000
General Fund—Federal Appropriation	\$1,365,225,000
General Fund—Private/Local Appropriation	\$8,862,000
Public Works Assistance Account—State Appropriation	\$8,134,000
Lead Paint Account—State Appropriation	\$112,000
Building Code Council Account—State Appropriation	\$17,000
Liquor Excise Tax Account—State Appropriation ..	\$1,262,000
Home Security Fund Account—State Appropriation	\$326,272,000
Affordable Housing for All Account—State Appropriation	\$105,230,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$2,671,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,400,000
Statewide Tourism Marketing Account—State Appropriation	\$3,034,000
Community and Economic Development Fee Account—State Appropriation	\$4,117,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$5,785,000
Liquor Revolving Account—State Appropriation ..	\$5,920,000
Washington Housing Trust Account—State Appropriation	\$20,455,000
Prostitution Prevention and Intervention Account—State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation	\$1,229,000
Model Toxics Control Stormwater Account—State Appropriation	\$100,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$1,813,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$1,809,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation	\$11,711,000
Community Preservation and Development Authority Account—State Appropriation	\$500,000
Economic Development Strategic Reserve Account—State Appropriation	\$2,798,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$472,610,000
TOTAL APPROPRIATION	\$2,716,086,000

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

- (1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.
- (2) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

- (3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.
- (4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.
- (5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.
- (6) \$4,304,000 of the general fund—state appropriation for fiscal year 2022 and \$4,304,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for associate development organizations. During the 2021-2023 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:
 - (a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and
 - (b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.
- (7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.
- (8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.
- (9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.
- (10) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.
- (11) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.
- (12) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.
- (13) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.
- (14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely

for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16)(a) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 and \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$37,000,000 of the affordable housing for all account—state appropriation is provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that

have or will receive funding from the housing trust fund—state account or other public capital funding that:

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

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

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

(23) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

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

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

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

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to fund program models that prevent youth from exiting public systems into homelessness.

(25) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(26) \$2,125,000 of the general fund—state appropriation for fiscal year 2022 and \$2,125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The first report is due June 30, 2022, and each June 30th thereafter. The report shall include but is not limited to:

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

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

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

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

(27) \$62,720,000 of the general fund—state appropriation for fiscal year 2022, \$65,330,000 of the general fund—state appropriation for fiscal year 2023, and \$2,610,000 of the coronavirus state fiscal recovery fund—federal appropriation are

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provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section 127(106) of chapter 357, Laws of 2020, by providing grants to participating counties who request additional funding in order to continue serving participating and eligible clients.

(28) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(29) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(30) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(32) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family

has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(33) \$11,711,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(34) \$550,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(35) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(36) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(37) \$1,007,000 of the general fund—state appropriation for fiscal year 2022 and \$1,007,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(38) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(39) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(41) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(43) \$500,000 of the community preservation and development authority account—state/operating appropriation is provided

solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(45) \$255,000,000 of the general fund—federal appropriation (ARPA) and \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to administer an emergency rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as consider any funding that jurisdiction, including cities within each county, received directly from the federal government for emergency rental assistance. Of the amounts provided in this subsection:

(a) \$255,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to provide emergency rental and utility assistance pursuant to P.L. 117-2. A provider may use up to 14.5 percent of the grant award provided under this subsection for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. Unless otherwise prohibited under federal guidance, a housing provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(b)(i) \$403,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for grants to provide emergency rental and utility assistance, subject to (b)(ii) of this subsection. Providers must make rental payments directly to landlords and utility payments directly to utility providers. To be eligible for assistance under this subsection, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance. A provider may provide financial assistance for an eligible household's rent and rental arrears of up to 150 percent of the fair market rent for the area in which the household resides, as determined by the department of housing and urban development.

(ii) From the amount provided in (b) of this subsection, each local housing provider must subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under (a) and (b) of this subsection. The amount of the subgrant must be at least five percent of the total funding each provider received under (a) and (b) of this subsection.

(c) The department may retain up to 0.5 percent of the amounts provided in this subsection for administration of the program.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide

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grants to entities that provide digital navigator services, devices, and subscriptions. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve medicaid clients.

(47) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the Central district community preservation and development authority established in RCW 43.167.070.

(48) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(49) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(50) \$29,255,000 of the general fund—federal appropriation (CRF) and \$230,000,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021, as amended in section 1905 of this act.

(51) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(52) \$1,602,000 of the general fund—state appropriation for fiscal year 2022 and \$1,174,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office established in RCW 43.330.532.

(53) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land. The department must award the grant to an organization with an office located in the city of Seattle that has experience in catalyzing early learning and affordable housing developments. The grant recipient must use the funding to:

(a) Implement strategies to accelerate development of affordable housing projects with space for early learning centers or community space on underutilized tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space through completing due diligence, conceptual design, and financial analysis activities;

(c) Organize community partners and build capacity to develop these sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space; and

(e) Catalyze the redevelopment of at least 10 sites to create approximately 1,500 affordable homes.

(54) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in King county to operate a hunger relief response program serving individuals living in permanent supportive housing.

(55) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization located in the city of Federal Way that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The grant funding must be used for capacity-building activities to support community-based organizations serving youth and young adults in the city of Federal Way.

(56) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(57) \$12,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a single contract with the non-profit statewide tourism marketing organization that is party to the contract pursuant to RCW 43.384.020. The funds will be used to assist recovery for tourism-related businesses, generate tourism demand for Washington communities and businesses, and sustain recovery market share with competing Western states. The department and the contractor shall submit a report to the legislature June 30, 2022, and June 30, 2023.

(58) \$354,000 of the general fund—state appropriation for fiscal year 2022 and \$354,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Port Gamble S'Klallam tribe for a reentry program providing tailored support services to moderate-needs and high-needs individuals leaving local or tribal incarceration, with the goals of reducing criminal recidivism and fostering community wellbeing. Services may be provided to clients pre-release and post-release.

(59) \$347,000 of the general fund—state appropriation for fiscal year 2022 and \$347,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county serving criminal justice-involved individuals who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including but not limited to legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(60) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the city of Kent to contract with one or more nonprofit organizations to serve community immersion law enforcement trainees through mentorship or community-based placement, or both.

(61) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(62) \$950,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to develop a pre-apprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the systemic effects of sexism and racism in housing, wealth, education, training, employment, and career development.

(63) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization operating an emergency shelter located in the Yakima valley for case management, outreach, and other homeless services.

(64) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization for activities to advance affordable housing. The grant recipient must be an organization that partners in equitable, transit-oriented development. The grant recipient must use the funding to:

(a) Facilitate partnerships to enable equitable transit-oriented development across the Puget Sound region that builds housing at scale; and

(b) Assist the cities of Tacoma, Renton, and Everett, as well as other cities, in:

(i) Creating or updating local subarea plans to be consistent with the regional growth strategy for future population growth to be near high capacity transit and to facilitate development within the station area that will produce a mix of affordable housing;

(ii) Ensuring equitable transit-oriented development processes and outcomes that minimize displacement; and

(iii) Identifying strategies for land acquisition and assembly around high capacity transit stations that will result in a mix of housing.

(65) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microloans.

(66) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support implementation of the 2021 state energy strategy as it pertains to emissions from energy use in new and

existing buildings, including measures to support local government emission reductions, workforce measures, and utility electrification benefits.

(67) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and develop effective interventions and responses to primary and secondary workplace trauma experienced by direct service staff who work in homeless shelters, homeless outreach, and permanent supportive housing. The department must collect data through methods such as surveys, interviews, and small group conversations, and engage interested parties, including but not limited to direct service staff. The department may contract with a third party to complete the work required in this subsection. By June 1, 2023, the department shall submit a report identifying interventions and providing recommendations to the appropriate committees of the legislature.

(68)(a) \$340,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the University of Washington college of built environments to create a database and reporting system for promoting transparency on procurement of building materials that make up the primary structure and enclosure used for state-funded construction projects. The department and university may use publicly available information and data sources as well as consult with outside experts to create the database. The database may include fields for environmental product declarations, product quantity, manufacturer location, global warming potential, health certifications, supplier codes of conduct, and working conditions.

(b) When developing the reporting system required under (a) of this subsection, the department and the University of Washington must conduct a case study analysis. In conducting the analysis, the department and the university must identify up to 10 case studies of publicly funded projects and analyze considerations including but not limited to cost impacts, materials procured, embodied carbon contribution to reducing greenhouse gas emissions, and supply chain considerations. By January 1, 2022, the department and the university shall submit a progress report on the case study analysis to the legislature. By November 1, 2022, the department and the university shall submit a final report to the legislature with findings from the case study analysis and recommendations for the reporting system based on lessons learned.

(69) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide job readiness skills and training to traditionally underrepresented populations to support the transition to a registered apprenticeship, trade training, or employment. The grant recipient must be a nonprofit organization serving traditionally underrepresented populations in King and Pierce counties, with a focus on youth development programs. The grant funding must be used for activities including but not limited to counseling and training in support of the goals of:

(a) Minimizing barriers to transitioning to an apprenticeship, trade training program, or employment for participants;

(b) Increasing participants' workforce and life balance skills; and

(c) Increasing participants' specialized skills and knowledge in targeted industries, including construction, urban agriculture, and maritime trades.

(70)(a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and \$51,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:

(i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(ii) Strengthen public-private partnerships;

(iii) Solicit public input through public hearings or informational sessions;

(iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(v) Recommend reforms to universal service mechanisms.

(b) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:

(i) Federally recognized tribes;

(ii) State agencies involved in digital equity; and

(iii) Underserved and unserved communities, including historically disadvantaged communities.

(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochair of the forum.

(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.

(71) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. In selecting the sites, the department must give priority to sites meeting these criteria that also can leverage existing local or federal resources.

(72) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract for a business recovery program serving the city of Federal Way and surrounding area. The contract recipient must be a nongovernmental organization located in the city of Federal Way whose primary focus is the economic development of the city of

Federal Way and surrounding area. The contract funding must be used for:

(a) Business development training and education for small businesses located in or serving the city of Federal Way and surrounding area, with a focus on Black, indigenous, and people of color-owned, women-owned, and veteran-owned businesses;

(b) Workforce programming for skill set development, especially as related to business retention and expansion; and

(c) Research and collection of economic baseline data for the city of Federal Way and surrounding area for the development of data-driven programming, with a focus on key economic recovery indicators.

(73) \$202,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to provide emergency housing, permanent supportive housing, and wraparound services focusing on Black transgender and nonbinary individuals who are currently experiencing or at risk of homelessness. The grant recipient must be a nonprofit organization with locations in the cities of Seattle and Tacoma that provides legal and other services for LGBTQ individuals in Washington. The grant recipient may subgrant or subcontract with other organizations to provide emergency housing, permanent supportive housing, and wraparound services.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(75) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish a sector lead position for the creative industries, including but not limited to the performing arts, literary arts, music, and film. The sector lead must work with interested parties to further the goals of creating economic development opportunities, retaining and growing jobs, and supporting small business development and expansion within the creative industries.

(76) \$221,920,000 of the home security fund—state appropriation and \$58,400,000 of the affordable housing for all account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1277 (housing/revenue source). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$88,768,000 of the home security fund—state appropriation is provided solely to implement the eviction prevention rental assistance program created in the bill; and

(b) \$133,152,000 of the home security fund—state appropriation is provided solely for project-based vouchers and related services, rapid rehousing, housing acquisition, and supportive services for individuals and families accessing vouchers and rapid rehousing. Of the total amount provided in this subsection, at least \$20,000,000 must be used for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(77) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$696,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(78) \$163,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$159,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(79) \$298,000 of the general fund—state appropriation for fiscal year 2022 and \$404,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1220 (emergency shelters & housing). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(80) \$306,000 of the general fund—state appropriation for fiscal year 2022 and \$483,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(81) \$21,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(82) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(83) \$2,798,000 of the economic development strategic reserve account manufacturing cluster acceleration subaccount—state appropriation is provided solely for implementation of Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(84) \$187,000,000 of the general fund—federal appropriation (ARPA) is provided solely for a homeowner assistance program to provide mortgage, foreclosure, and other assistance to eligible homeowners pursuant to P.L. 117-2. The department may subgrant or contract with other entities to provide assistance under the program. Of the amount provided in this subsection, \$13,000,000 of the general fund—federal appropriation (ARPA) is provided solely for foreclosure assistance.

(85) \$9,864,000 of the general fund—state appropriation for fiscal year 2022 and \$9,864,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the department must submit a report identifying the expenditures and number of individuals receiving long-term rental supports through the

agency budget broken out by region, treatment need, and the demographics of those served during the prior fiscal year.

(86)(a) \$50,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grants to small businesses through the working Washington grant program.

(b) Of the amount provided in this subsection, \$30,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist businesses maintain their operations. To be eligible for a grant under this subsection, the business must:

- (i) Apply for or have applied for the grant;
- (ii) Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019;
- (iii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iv) Self-attest that the expense is not funded by any other government or private entity;
- (v) Have experienced a reduction in business income or activity related to COVID-19 or state or local actions in response to COVID-19; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(c) Of the amount provided in this subsection, \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to assist the reopening of businesses that temporarily totally closed their operations. To be eligible for a grant under this subsection, the business must:

- (i) Apply for the grant;
- (ii) Have reported annual gross receipts of \$5,000,000 or less to the department of revenue for calendar year 2019;
- (iii) Demonstrate the business was actively engaged in business, and as a result of the governor's proclamations 20-25.8, issued on November 15, 2020, through 20-25.12 ("stay safe-stay healthy"), temporarily totally closed operations. Demonstration of active engagement in business can be given through but is not limited to taxable activity reported to the department of revenue. The department may use other methods to determine if this criterion has been met;

(iv) Have expenses that are necessary to reopen business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;

(v) Self-attest that the expense is not funded by any other government or private entity; and

(vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives.

(d) Grant awards are subject to the availability of amounts appropriated in this subsection. The department must conduct outreach to underrepresented and unserved communities observed from prior rounds of awards. The department must ensure equitable distributions of grant funding, including considerations for geographic location and businesses owned by members of historically disadvantaged communities.

(e)(i) Eligible businesses may receive up to a \$75,000 grant.

(ii) If a business received one or more working Washington small business grants before July 1, 2021, including grants provided pursuant to chapter 3, Laws of 2021, the grant awarded under this subsection must be reduced to reflect the amounts received from previous working Washington small business grants.

(f) For purposes of this subsection, reopening costs include, but are not limited to:

(i) Upgrading physical workplaces to adhere to new safety or sanitation standards;

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(ii) Procuring required personal protective supplies for employees and business patrons and clients;

(iii) Updating business plans;

(iv) Employee costs, including payroll, training, and onboarding;

(v) Rent, lease, mortgage, insurance, and utility payments; and

(vi) Securing inventory, supplies, and services for operations.

(g) Nonprofit organizations are eligible to receive funding under (b) or (c) of this subsection if they have a primary business activity that has been impacted as described in (b)(v) or (c)(iii) of this subsection.

(h) The department is authorized to shift funding among the purposes in (b) and (c) of this subsection based on overutilization or underutilization of the different types of grants.

(i) Of the total amount provided in this subsection, the department must prioritize allocating the funds as follows:

(A) \$25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations in the arts, heritage, and science sectors, including those that operate live entertainment venues; and

(B) \$25,000,000 for grants under (b) or (c) of this subsection to eligible businesses and nonprofit organizations located in counties that are in phase 2 of the governor's "healthy Washington: roadmap to recovery" plan at the time the business or nonprofit organization applies for funding.

(87) \$138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to implement small business capital access and other credit support programs under the state small business credit initiative, pursuant to P.L. 117-2. The department may contract with other entities to implement the capital access program and other credit support programs. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines. The department must apply for the maximum possible allocation of federal funding under P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses. The department must ensure businesses owned and controlled by socially and economically disadvantaged individuals, as defined in P.L. 117-2, have equitable access to program services.

(88)(a) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency non-congregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled *FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim)* and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the

acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy such as hotels, motels, or dormitories.

(89)(a) \$400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state capital grant programs administered by the department. The department may, in consultation with interested parties identified in subsection (d) of this section, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are: To reduce barriers to historically underserved populations' participation in the capital grant programs; to redress inequities in existing capital grant policies and programs; and to improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the department shall: (i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection; (ii) identify new investments and programs that prioritize populations and communities that have been historically underserved by capital grant policies and programs; and (iii) include consideration of historic and systemic barriers that may arise due to any of the following factors: (A) Race; (B) ethnicity; (C) religion; (D) income; (E) geography; (F) disability; and (G) educational attainment.

(d) The department must collaborate with the Washington state commission on African American affairs; the Washington state commission on Asian Pacific American affairs; the Washington state commission on Hispanic affairs; the governor's office of Indian affairs; the governor's committee on disability issues and employment; the office of equity; the office of minority and women's business enterprises; the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The department shall complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(90) \$23,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the HOME investment partnerships program pursuant to P.L. 117-2. Of the amount provided in this subsection, \$18,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 for the acquisition and development of noncongregate shelter units, subject to the following conditions and limitations:

(a) Grants provided under this subsection may be used to acquire real property for quick conversion into noncongregate shelter units or for renovation and building update costs associated with establishment of the acquired facilities. Grants provided under this subsection may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service. For the purposes of this subsection, "noncongregate" shelter units means units provided in locations

where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

(b) Units acquired or developed under this subsection must serve qualifying individuals or families as defined in P.L. 117-2.

(c) The department must establish criteria for the issuance of the grants, which must follow the guidelines and compliance requirements of the housing trust fund program and the federal HOME investment partnership program. The criteria must include:

(i) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with opening the units; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(d) The department must provide a progress report on its website by November 1, 2022. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(e) The funding in this subsection is not subject to the 90 day application periods in RCW 43.185.070 or 43.185A.050.

(91) \$391,000 of the general fund—state appropriation for fiscal year 2022 and \$391,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(92) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit organization providing housing services in western Washington to conduct a master planning process for the development of a family-centered drug treatment and housing program. The grant recipient must be a nonprofit organization that has experience administering a comparable program in another region of the state. The program must provide housing units for families with members who have substance use disorders and who are involved in the child welfare system, and services including but not limited to case management, counseling, substance use disorder treatment, and parenting skills classes. The program site must be located within or in close proximity to King county, and include living quarters for families, space for services, and childcare and play areas for children. The nonprofit must include housing developers, service providers, and other interested parties in the master planning process. By December 31, 2021, the nonprofit must submit the plan to the department, the senate ways and means committee, and the house capital budget committee.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with the department of corrections to support offender betterment projects and the department of social and health services to provide access and visitation services.

(94) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to community organizations that serve historically disadvantaged

populations to conduct outreach and assist community members in applying for state and federal assistance programs, including but not limited to those administered by the departments of social and health services; commerce; and children, youth, and families.

(95) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to accelerate implementation of the low-income rural home rehabilitation program by contracting with up to seven home rehabilitation agencies, as defined under WAC 365-175-030, in a variety of regions of the state. Funding provided in this subsection may be used by home rehabilitation agencies for program support in order to increase the number of households participating in the program. Home rehabilitation agencies receiving funding under this subsection must provide the department with a summary of their direct and indirect costs associated with implementing the program.

(96) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for pre-development activities for state-operated or contracted residential or supportive housing facilities at the Pacific hospital preservation and development authority buildings three through ten in Seattle, to help carry out Washington state's plans for new community-based residential facilities, including supportive housing. The facilities may be used for behavioral health, long-term care, developmentally disabled community housing, recovery residences, state-operated living alternatives, group homes, or family-centered substance use disorder recovery housing. The amounts provided in this subsection may be used for concept development, planning, lease payments, and other related expenses for pre-development of state- or nonprofit-operated residential facilities identified by the health care authority or the departments of social and health services, children, youth, and families, and commerce. The department is authorized to enter into a short-term lease, with an option to enter into a multiyear extension, for the Pacific hospital preservation and development authority quarters buildings three through ten.

(97) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization dedicated to supporting forest health restoration located in Okanogan county for work toward a biochar research and demonstration project and initial efforts toward full-size operation of an industrial-sized facility in the Methow valley.

(98) \$6,800,000 of the general fund—state appropriation for fiscal year 2022 and \$8,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to crime victim services providers for victim assistance programs. The department must distribute the funds in accordance with the methodologies used to distribute federal victims of crime act victim assistance funding.

(99)(a) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to appoint and maintain an aviation and aerospace advisory committee to generally advise the director of the department and the secretary of the department of transportation on matters related to aviation and aerospace in Washington state. The advisory committee must develop recommendations regarding operating budget and capital budget requests relating to aviation and aerospace needs, and strategies to enhance the safe and effective use of public use airports and aerospace facilities in Washington state. The aviation and aerospace advisory committee must also advise the director and secretary, or their designees, and make recommendations on the following matters:

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(i) Employment of emerging aviation and aerospace technologies to include unmanned, autonomous, and alternative propulsion systems;

(ii) New, changed, or proposed federal regulations;

(iii) Industry needs to remain nationally and internationally competitive;

(iv) Policy considerations;

(v) Funding priorities and capital project needs;

(vi) Methods to reduce greenhouse gas emissions;

(vii) Workforce development needs and opportunities;

(viii) Multimodal requirements; and

(ix) Other matters pertaining to the aviation and aerospace industries as the aviation and aerospace advisory committee deems appropriate.

(b) The director of the department of commerce, or the director's designee, shall appoint members to the aviation and aerospace advisory committee including, at a minimum:

(i) Two county commissioners, one from east of the crest of the Cascade mountains and one from west of the crest of the Cascade mountains;

(ii) An owner of an aviation company and an owner of an aerospace company or their representatives;

(iii) The director of the aviation division of the department of transportation, or the director's designee;

(iv) Two individuals who are top executive officials of a commercial service airport, typically with the title of chief executive officer, airport director, or executive director, one from an airport located east of the crest of the Cascade mountains and one from an airport located west of the crest of the Cascade mountains;

(v) Advisory members from the federal aviation administration;

(vi) The aerospace lead from the department of commerce or a representative of the department;

(vii) A representative of a statewide environmental organization;

(viii) A representative of the military department;

(ix) A representative of the state board for community and technical colleges;

(x) Representatives from airport associations;

(xi) Representatives from an aviation and aerospace educational program; and

(xii) Representatives from both aviation and aerospace associations.

(c) The director of the department and the secretary of the department of transportation, or their designees, shall serve as the administrative cochair of the aviation and aerospace advisory committee.

(d) The department must provide staff support for all aviation and aerospace advisory committee meetings.

(e) The aviation and aerospace advisory committee must meet at the call of the administrative cochair for any purpose that directly relates to the duties set forth in (a) of this subsection, or as otherwise requested by the director, secretary, or their designees as the administrative cochair.

(f) In consultation with the aviation and aerospace advisory committee, the department must develop a strategic plan for the department's aerospace, aviation, and airport economic development program. The strategic plan should identify: (i) Changing market conditions in the aerospace industry; (ii) emerging opportunities to diversify and grow Washington's aerospace sector; and (iii) strategies and action steps to build on the state's core strengths in aerospace infrastructure and workforce expertise to diversify and grow employment in Washington's aerospace sector. The department must submit the

strategic plan to the appropriate committees of the legislature by June 30, 2023.

(g) The cochair may seek recommendations and input from the aviation and aerospace advisory committee to inform the legislature on aviation and aerospace issues.

(100)(a) \$300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to convene a work group on reducing racial disparities in Washington state homeownership rates. The goals of the work group are to assess perspectives on housing and lending laws, policies, and practices; facilitate discussion among interested parties; and develop budgetary, administrative policy, and legislative recommendations.

(b) The director of the department, or the director's designee, must chair the work group. The department must, in consultation with the Washington state office of equity and the governor's office of Indian affairs, appoint a minimum of twelve members to the work group representing groups including but not limited to:

(i) Organizations and state entities led by and serving Black, indigenous, and people of color;

(ii) State or local government agencies with expertise in housing and lending laws;

(iii) Associations representing cities and housing authorities; and

(iv) Professionals from private-sector industries including but not limited to banks, credit unions, mortgage brokers, and housing developers.

(c) The department must convene the first meeting of the work group by August 1, 2021. The department must submit a final report to the governor and appropriate committees of the legislature by August 1, 2022. The final report must:

(i) Evaluate the distribution of state affordable housing funds and its impact on the creation of homeownership units serving Black, indigenous, and people of color;

(ii) Evaluate the eligibility requirements, access, and use of state-funded down payment assistance funds, and their impact on homeownership rate disparities;

(iii) Review barriers preventing Black, indigenous, and people of color from accessing credit and loans through traditional banks for residential loans; and

(iv) Provide budgetary, administrative policy, and legislative recommendations to increase ownership unit development and access to credit.

(101) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a task force to make recommendations regarding needed reforms to the state's growth policy framework, including the growth management act, state environmental policy act, and other statutes related to growth, change, economic development, housing, social equity, and environmental conservation. The process will build upon the findings, concepts, and recommendations in recent state-funded reports, including the "road map to Washington's future" issued by the William D. Ruckelshaus center in 2019, the report of the environmental justice task force issued in 2020, and "updating Washington's growth policy framework" issued by the University of Washington in 2021. The task force must involve diverse perspectives including but not limited to representatives of counties, cities, special districts, the real estate, building, and agricultural industries, planning and environmental organizations, tribal governments, and state agencies. Special effort must be made to include in these discussions the lived experiences and perspectives of people and communities who have too often been excluded from public policy decision-making

and unevenly impacted by those decisions. The work group must report on its activities and recommendations prior to the 2022 and 2023 legislative sessions.

(102) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization located in the city of Seattle for providing resident services and on-site programming for affordable housing residents in Delridge, supporting local youth with leadership pathways, and other community development initiatives that improve the health and well-being of southwest Seattle residents.

(103) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for San Juan county health and community services to enter into an agreement with the United States geological survey to evaluate available groundwater, surface water, and meteorological data for the county, complete recharge estimations for the county, and update the water balance for the county.

(104) \$140,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to contract with businesses ending slavery and trafficking for a human trafficking initiative.

(a) Of the amounts provided in this subsection, \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to extend job readiness services and employment opportunities for survivors of human trafficking and persons at risk of human trafficking, in near-airport communities in south King county.

(b) Of the amounts provided in this subsection, \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop a national awareness campaign. The campaign will increase signage in seaports, airports, and near-airport communities so that people who are vulnerable to trafficking or experiencing human trafficking can access assistance through the national human trafficking hotline.

(105) \$278,000 of the general fund—state appropriation for fiscal year 2022 and \$277,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture, becoming proficient in civic education, and overcoming barriers to social, political, racial, economic, and cultural community development.

(106) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to provide college accredited courses through alternative methods to disadvantaged adults, such as those experiencing homelessness, who are low-income, come from generational poverty, or have a disabling condition, including those that are further impacted by systemic racism, who do not believe they can be successful or have not yet contemplated college for their future with the intent of engaging these individuals in further education to increase their lifelong wage potential.

(107)(a) \$351,000 of the general fund—state appropriation for fiscal year 2022 and \$332,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization with demonstrated expertise in the creative arts and strategic planning to establish a Washington state creative economy work group that within two years, and with the advice of the work group, develops a strategic plan to improve the Washington state creative economy that can be rolled out in incremental phases to reach

identified economic, social justice, and business development goals.

(b) The goal of the strategic plan must be to ensure that the state of Washington is competitive with respect to attracting creative economy business, retaining talent within the state, and developing marketable content that can be exported for national and international consumption and monetization. The strategic plan must address support for the creative community within historically marginalized communities, as well as the creative economy at large, and take into account the diverse interests, strengths, and needs of Washington's population on both sides of the Cascade mountains.

(c) The chair of the work group must be the director of the nonprofit organization contracted with by the department or the director's designee, and must have significant experience working as an artist, producer, or director and in business development, including drafting business plans and multidisciplinary planning documents. The chair must appoint representatives to the work group who represent the range of demographic diversity across the state of Washington, including:

(i) A representative from the Washington state association of counties;

(ii) A representative from the association of Washington cities;

(iii) A representative from the Washington state arts commission;

(iv) A representative from the Washington state labor council;

(v) A representative from the banking industry with experience in matters involving the federal small business administration;

(vi) An appropriate number of representatives from the Washington state arts community including, but not limited to, the following sectors:

(A) Film, television, and video production;

(B) Recorded audio and music production;

(C) Animation production;

(D) Video game development;

(E) Live theater, orchestra, dance, and opera;

(F) Live music performance;

(G) Visual arts, including sculpture, painting, graphic design, and photography;

(H) Production facilities, such as film and television studios; and

(I) Live music or performing arts venues;

(vii) A representative from a certified public accounting firm or other company with experience in financial modeling and in the creative arts;

(viii) A representative selected by the Washington state commission on African American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the entities on the work group;

(ix) A representative of a federally recognized Indian tribe with a reservation located east of the crest of the Cascade mountains;

(x) A representative of a federally recognized Indian tribe with a reservation located west of the crest of the Cascade mountains; and

(xi) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions.

(d) In developing the strategic plan for the Washington state creative economy, the work group must:

(i) Identify existing studies of aspects affecting the creative economy, including studies relating to tax issues, legislation, finance, population and demographics, and employment;

(ii) Conduct a comparative analysis with other jurisdictions that have successfully developed creative economy plans and

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programs, including the states of Georgia and New Mexico, and the provinces of British Columbia and Ontario, Canada;

(iii) Conduct in-depth interviews to identify best practices for structuring a strategic plan for the state of Washington;

(iv) Evaluate existing banking models for financing creative economy projects in the private sector and develop a financial model to promote investment in Washington's creative economy;

(v) Evaluate existing state and county tax incentives and make recommendations for improvements to support the creative economy;

(vi) Identify the role that counties and cities play with respect to the strategic plan, and identify specific counties and cities that may need or want a stronger creative economy;

(vii) Identify opportunities for synergies with new business models and the integration of new technologies; and

(viii) Identify the role that state education programs in the creative arts play in the creative economy and with respect to advancing the strategic plan.

(e) The department of commerce shall facilitate the timely transmission of information and documents from all appropriate state departments and agencies to the nonprofit organization contracted under this subsection. The work group must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2022. The contracted nonprofit must administer the expenses of the work group.

(108) \$300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

(109) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract with a statewide association that supports a network of local asset building coalitions for programs to increase the financial stability of low-income Washingtonians adversely affected economically by COVID-19 through increasing participation in earned income tax credit refunds, the Washington retirement marketplace, and programs that build personal savings.

(110) \$421,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to continue starting up the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence.

(111) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct a study and report to the legislature on city and county implementation of the multifamily housing property tax exemption. The report must:

(a) Review whether cities have practices in five areas:

(i) Evaluating the financial feasibility and total costs of proposed developments under the exemption;

(ii) Monitoring rent, occupancy, and demographics of tenants of exempt housing;

(iii) Identifying direct or indirect displacement risks, and changes in income and rent distributions associated with new housing development, and plans and approaches;

(iv) Identifying practices that encourage permanent affordable rental opportunities; and

(v) Monitoring whether the exemption assists cities in meeting goals under the growth management act;

(b) Identify at least five case studies on a range of cities and provide analysis:

(i) Comparing the rent in income restricted units to market rate units in the same development and to the surrounding area;

(ii) Comparing the anticipated impact on rents and project budgets, and on public benefit under eight-year, 12-year, and 20-year property tax exemption scenarios;

(iii) Looking at permanent affordable rentals; and

(iv) Evaluating changes in income distribution, rent distribution, commute/location, and displacement risks in areas with exempt housing; and

(c) Estimate other state and local tax revenue generated by new housing developments and how it compares to the property tax exemption.

(112) \$195,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to Spokane county for costs related to redistricting activities required by chapter 36.32 RCW.

(113) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a nonprofit organization to provide tiny homes for veterans.

(114) \$210,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to perform an analysis of the property operations and maintenance costs and tenant supportive services costs for affordable housing projects that receive funding from the Washington housing trust fund. The projects to be analyzed must include, but are not limited to, permanent supportive housing and youth housing taking into consideration housing projects that have been in service for a sufficient time that actual costs can be determined. The analysis shall include a categorized overview of the expenses and fund sources related to the maintenance, operations, and supportive services necessary for the affordable housing projects to be successful in housing the intended population, as well as identify other available funding sources for these costs. The analysis must also explore the timing and alignment challenges for pairing operational and supportive services funding with the initial capital investments, and make recommendations relating to any benchmarks that can be established regarding future costs that would impact the operating budget, and about the state's role in planning, support, and oversight to ensure long-term sustainability of these projects. The department may hire a consultant to conduct this study. The department shall report its findings and recommendations to the office of financial management and the appropriate committees of the legislature by December 1, 2022.

(115) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5383 (public telecom services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(116) \$1,555,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(117) \$946,000 of the general fund—state appropriation for fiscal year 2022 and \$921,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5368 (rural

economic development). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(118) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5287 (affordable housing incentives). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(119) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5345 (industrial waste program). Of the amounts provided in this subsection, \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to local industrial waste symbiosis projects as provided in the bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(120) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5353 (law enforcement community engagement). Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants awarded under this bill. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(121) \$66,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(122) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5126 (climate commitment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(123) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a competitive grant program for grants to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. The department must work in collaboration with the statewide reentry council to administer the program. Applicants must provide a project proposal to the department as a part of the application process. Grant awards provided under this subsection may be used for costs including but not limited to housing, case management and navigators, employment services, family reunification, and legal services to respond to collateral impacts of reentry. The department must award at least 30 percent of the funding provided in this subsection to applicants located in rural counties.

(124) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(125)(a) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to provide grant funds to Clallam county to support the preservation of private marine transportation activities and jobs associated with such activities that have been directly impacted by the closure of the United States-Canada border during the COVID-19 pandemic.

(b) To be eligible for a grant from the county under this subsection the business must:

- (i) Apply for or have applied for the grant from the county;
- (ii) Have expenses that are necessary to continue business operations and the expense is not a federal, state, or local tax, fee, license, or other government revenue;
- (iii) Provide documentation to demonstrate that the expense is not funded by any other government or private entity;
- (iv) Demonstrate the business was actively engaged in business, and as a result of the border closures the business temporarily totally closed operations;
- (v) Have experienced at least a significant reduction in business income or activity related to United States-Canada border closures;
- (vi) Agree to operate in accordance with the requirements of applicable federal, state, and local public regulations including health and safety measures;
- (vii) Demonstrate significant economic contribution of their business to the state and local economy; and
- (viii) Be a majority United States owned entity operating a United States flag vessel registered and operated under the laws of the United States.

(c) Grant funds may be used only for expenses incurred on or after March 1, 2020. Eligible expenses for grant funds include:

- (i) Upgrading physical workplaces to adhere to new safety or sanitation standards;
- (ii) Procuring required personal protective supplies for employees and business patrons and clients;
- (iii) Updating business plans;
- (iv) Employee costs, including payroll, training, and onboarding;
- (v) Rent, lease, mortgage, insurance, and utility payments;
- (vi) Securing inventory, supplies, and services for operations; and
- (vii) Maintenance and operations costs associated with vessel operations.

(d) The county must submit a report to the department by June 30, 2022, outlining the use of funds, specific expenditures of the grantees, and revenue and expenses of the grantees including additional government or private funds or grants received.

(126) \$1,656,000 of the general fund—state appropriation for fiscal year 2022 and \$1,615,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to publish the guidelines and guidance set forth in (a), (b), and (c) of this subsection. The department shall publish the guidelines and guidance described in (a), (b), and (c) of this subsection no later than June 30, 2023. From amounts provided in this subsection, pursuant to an interagency agreement, the department shall provide funding to the department of ecology, the department of health, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department to fund activities that support the work specified in (a), (b) and (c) of this subsection.

(a) The department, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that provide a set of actions counties and cities may take, under existing statutory authority, through updates to their comprehensive plans and

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development regulations that have a demonstrated ability to reduce greenhouse gas emissions in order to achieve the statewide greenhouse gas emissions reductions set forth in RCW 70A.45.020(1), allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions in communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities.

(b) The department, in consultation with the department of transportation, shall publish guidelines that specify a set of actions counties and cities may take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

(iv) The model element must prioritize actions in communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change and may draw upon the most recent health disparities data from the department of health to identify disproportionately burdened communities.

(d) If the department publishes any subsequent updates to the guidelines published pursuant to (a) or (b) of this subsection, the department shall include in any such update a determination of whether adequate progress has been made toward the statewide greenhouse gas and per capita vehicle miles traveled reduction goals. If adequate progress is not being made, the department must identify in any updates to the guidelines what additional measures cities and counties may take in order to make further progress.

(e) The department, in the course of implementing this subsection, shall provide and prioritize options that support housing diversity and that assist counties and cities in meeting greenhouse gas emissions reduction and other requirements established under chapter 70A.45 RCW.

(127) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$95,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to collaborate with the department of children, youth, and families to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(128) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for housing that serves people with intellectual and developmental disabilities.

NEW SECTION. Sec. 130. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2022)	\$903,000
General Fund—State Appropriation (FY 2023)	\$964,000
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION	\$1,917,000

NEW SECTION. Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2022)	\$16,022,000
General Fund—State Appropriation (FY 2023)	\$15,819,000
General Fund—Federal Appropriation.....	\$32,507,000
General Fund—Private/Local Appropriation	\$531,000
Economic Development Strategic Reserve Account—State	
Appropriation	\$329,000
Workforce Education Investment Account—State	
Appropriation	\$100,000
Personnel Service Account—State Appropriation.	\$23,431,000
Higher Education Personnel Services Account—State	
Appropriation	\$1,497,000
Statewide Information Technology System Development	
Maintenance and Operations Revolving Account—	
State Appropriation	\$102,037,000
Office of Financial Management Central Service	
Account—State Appropriation	\$21,945,000
Performance Audits of Government Account—State	
Appropriation	\$672,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation	\$1,560,000
TOTAL APPROPRIATION	\$216,450,000

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

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) \$102,037,000 of the information technology system development revolving account—state appropriation, \$162,000 of the personnel services account—state appropriation, and \$162,000 of the office of financial management central services account—state appropriation are provided solely for the one Washington enterprise resource planning statewide program. Of this amount:

(i) \$7,756,000 of the information technology system development revolving account—state appropriation is provided solely for an organizational change management pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency organizational change management resources. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(ii) \$22,000,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to work associated with impacted financial systems and interfaces. The office of financial management will manage the pool, authorize funds, and track costs by agency by fiscal month;

(iii) \$1,326,000 of the information technology system development revolving account—state appropriation is provided solely for three dedicated information technology consultant staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials);

(iv) \$4,609,000 of the information technology system development revolving account—state appropriation is provided solely for maintenance and operations costs for phase 1A (agency financial reporting system replacement—core financials), which will begin in fiscal year 2023;

(v) \$9,153,000 of the information technology system development revolving account—state appropriation is provided solely for phase 1B (procurement and extended financials) in fiscal year 2022;

(vi) \$162,000 of the personnel services account—state appropriation is provided solely for a dedicated staff for phase 2 (human resources) coordination; and

(vii) \$162,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated staff for phase 3 (budget) coordination.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the associated expenditures by each deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received organizational change management pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to budget spending plan;

(iv) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used,

and the cost by fiscal month by agency compared to the budget spending plan;

(v) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month; and

(vi) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, starting July 1, 2021.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month through the 2021-2023 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

(5) \$12,741,000 of the personnel service account—state appropriation is provided solely for administration of orca pass benefits included in the 2021-2023 collective bargaining agreements and provided to nonrepresented employees. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(6) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(7)(a) The office of financial management statewide leased facilities oversight team must identify opportunities to reduce statewide leased facility space given the change in business practices since 2020 whereby many state employees were mostly working remotely and may continue to do so going forward, or at

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least more state employees are anticipated to work remotely than in calendar year 2019.

(b) The office of financial management will work to identify opportunities for downsizing office space and increased collocation by state agencies, especially for any leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(c) The office of financial management must, in collaboration with the department of enterprise services, identify and make recommendations on reduction in leased office space by agency for fiscal years 2024 and 2025. The analysis must include detailed information on any reduced costs, such as lease contract costs, and include at least:

- (i) Agency name;
- (ii) Lease contract number and term (start and end date);
- (iii) Contract amount by fiscal year; and
- (iv) Current and future projected collocated agency tenants.

(d) The office of financial management must submit a report responsive to (a), (b), and (c) of this subsection to fiscal and appropriate policy committees of the legislature by June 30, 2022.

(8) \$105,000 of the general fund—state appropriation for fiscal year 2022 and \$68,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing for the sentencing guidelines commission.

(10) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$166,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to complete the following activities:

(a) By December 1, 2022, and consistent with RCW 43.01.036, the office of financial management must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on endangered species recovery and ecological health. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act (chapter 90.58 RCW), the growth management act (chapter 36.70A RCW), construction projects in state waters (chapter 77.55 RCW), and the model toxics control act.

(b) In developing the report under this section, the office of financial management must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including but not limited to cities, counties, ports, the department of ecology, the department of fish and wildlife, and the department of commerce.

(c) The report must include:

- (i) Development of a definition, objectives, and goals for the standard of net ecological gain;
- (ii) An assessment and comparison analysis of opportunities and challenges, including legal issues and costs on state and local governments to achievement of overall net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, development, and land use law or rule; and

(iv) An assessment of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits.

(11) \$158,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the work of the office of financial management to conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records in section 953 of this act.

(12)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of financial management to provide recommendations, as described in (b) of this subsection, on the procedure for providing an equity impact statement for legislative proposals, and content and format requirements for the equity impact statement.

(b) By July 1, 2022, the office of financial management must submit a report to the governor, appropriate committees of the legislature, and statutory commissions that details recommendations on:

- (i) The procedure for providing an equity impact statement for legislative proposals;
- (ii) The format and content requirements for the equity impact statement;
- (iii) A plan, including information technology additions or revisions, necessary to provide equity impact statements;
- (iv) Recommendations on which office or agency should be principally responsible for coordinating the provision of equity impact statements with state agencies; and
- (v) Recommendations on any policy changes needed to implement the provision of equity impact statements.

(c) For the purpose of implementing this subsection, the office of financial management may contract with an entity or entities that have expertise in equity impact assessments.

(d) The office of financial management must consult with the governor's interagency council on health disparities and the office of equity in developing the procedures, and content and format requirements.

(e) For purposes of this subsection, "statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

(13) \$785,000 of the general fund—state appropriation for fiscal year 2022 and \$960,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1267 (police use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to assist the health care authority, the department of social and health services, and the department of health in coordinating efforts to transform the behavioral health system and improve the collection and availability of data. Within these amounts, the office must provide direction and ensure coordination between state agencies in the forecasting of forensic and long-term civil commitment beds, transition of civil long-term inpatient capacity from state hospital to community settings, and efforts to improve the behavioral health crisis response system. Sufficient funding within this section is provided for the staff support and other costs related to the crisis response improvement strategy committee established in section 104 of Engrossed Second Substitute House Bill No. 1477 (national 988 system).

NEW SECTION. Sec. 132. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State Appropriation.....	\$71,650,000
Administrative Hearings Revolving Account—Local Appropriation.....	\$12,000
TOTAL APPROPRIATION.....	\$71,662,000

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

(1) \$22,346,000 of the administrative hearings revolving account—state appropriation is provided solely for staffing to resolve unemployment insurance appeals. The funding is provided to meet the temporary increase in unemployment insurance hearing appeals, which began in fiscal year 2021, and to reduce the appeal to resolution wait time.

(2) \$154,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace & corrections officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$86,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of chapter 2, Laws of 2021 (Engrossed Substitute Senate Bill No. 5061) (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) \$12,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) \$150,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) \$161,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care and early development programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) \$19,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation.....	\$29,759,000
TOTAL APPROPRIATION.....	\$29,759,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2022).....	\$443,000
General Fund—State Appropriation (FY 2023).....	\$464,000
TOTAL APPROPRIATION.....	\$907,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2022).....	\$421,000
General Fund—State Appropriation (FY 2023).....	\$431,000
TOTAL APPROPRIATION.....	\$852,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account— State Appropriation	\$71,462,000
TOTAL APPROPRIATION	\$71,462,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,007,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$619,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Senate Bill No. 5367 (inactive retirement accounts). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) \$286,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 5021 (effects of expenditure reduction). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2022).....	\$167,182,000
General Fund—State Appropriation (FY 2023).....	\$411,796,000
Timber Tax Distribution Account—State Appropriation.....	\$7,314,000
Business License Account—State Appropriation.....	\$20,335,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation.....	\$162,000
Model Toxics Control Operating Account—State Appropriation.....	\$118,000
Financial Services Regulation Account—State Appropriation	\$5,000,000
TOTAL APPROPRIATION	\$611,907,000

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

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(1) \$1,056,000 of the general fund—state appropriation for fiscal year 2022 and \$409,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement 2021 revenue legislation.

(2)(a) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(b)(i) Members serving on the tax structure work group as of the effective date of this section may continue serving on the work group. Any member not wishing to continue serving on the tax structure work group must provide written notice to the work group and the vacancy must be filled as provided in (c) of this subsection.

(ii) The work group must include the following voting members:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department of revenue;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(c) Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within 60 days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(d) The duties of the work group are to:

(i) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(ii) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (f) of this subsection;

(iii) By May 31, 2021, the work group must:

(A) Hold no less than one meeting in Olympia or virtually to review the preliminary findings described in (f) of this subsection. At least one meeting must engage stakeholder groups, as described in (e)(i) of this subsection;

(B) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (f) of this subsection;

(C) Present the summary report described in (d)(ii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(D) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (e)(ii) of this subsection; and

(E) Finalize the logistics of the engagement strategies described in (d)(iv) of this subsection;

(iv) After the conclusion of the 2021 legislative session, the work group must:

(A) Hold no less than five public meetings organized by geographic region (in person or online) with special consideration for regional geographies throughout the state, rural areas, and border communities;

(B) Participate in no less than 10 existing meetings of various associations, community-based organizations, nonprofits, and similar groups in order to engage low-income and middle-income taxpayers, communities of color, senior citizens, and people with disabilities;

(C) Participate in no less than 10 existing meetings of various business and agricultural associations, chambers of commerce, ports, associate development organizations, and similar groups in order to engage small, start-up, and low-margin businesses, and other businesses;

(D) Hold no less than three listening sessions in a language other than English to engage taxpayers who speak languages including, but not limited to, Spanish, Vietnamese, Russian, and Somali;

(E) Present the findings described in (f) of this subsection and alternatives to the state's current tax structure at the public meetings utilizing a range of methods that account for different learning styles including, but not limited to, written documents, videos, animations, and graphics;

(F) Provide an opportunity at the public and other meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(G) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(H) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts (whether in person or online);

(I) Inform local elected officials about the public meetings that occur within and near their communities (whether in person or online);

(J) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (d)(ii) of this subsection; and

(K) To the degree it is practicable, conduct analysis of the current tax structure and proposed alternatives to estimate the impact on taxpayers, including tax paid as a share of household income for various racial and ethnic groups as reported in the most current census data available, American community survey, or other similar data sources;

(v) During the 2022 legislative session, the work group must:

(A) Present the findings and reports described in (d)(ii) of this subsection to the appropriate committees of the legislature; and

(B) Be available to deliver a presentation to or participate in a work session for the appropriate committees of the legislature, or both;

(vi) Between the conclusion of the 2022 legislative session and December 31, 2022, the work group is directed to finalize policy recommendations and develop legislation to implement modifications to the tax structure, informed by the findings described in (d)(ii) of this subsection and the feedback received from taxpayers as reflected in the report described in (d)(iv) of this subsection. Legislative proposals recommended by the work group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the economic and revenue forecast council. In making the recommendations, the work group must be guided by the following principles for a well designed tax system: Equity, adequacy, stability, and transparency;

(vii) During the 2023 legislative session, it is the intent of the legislature to consider the proposal described in (d)(vi) of this subsection;

(viii) If the proposal is not adopted during the 2023 legislative session, the work group is directed to host no less than three public meetings to collect feedback on the legislation proposed in the 2023 session, and may also collect feedback on other proposals under consideration by the work group, subject to the availability of funds in the 2023-2025 biennial budget. The work group is directed to modify the proposal to address the feedback collected during the public meetings;

(ix) During the 2024 legislative session, it is the intent of the legislature to consider the modified proposal described in (d)(iv) of this subsection; and

(x) By December 31, 2024, subject to the availability of funds in the 2023-2025 biennial budget, the work group is directed to submit a final report that is a compilation of all other reports previously submitted since July 1, 2019, and may include additional content to summarize final activities of the tax structure work group and related legislation, in compliance with RCW 43.01.036, to the appropriate committees of the legislature.

(e)(i) The stakeholder groups referenced by (d)(iii)(A) of this subsection must include, at a minimum, organizations and individuals representing the following:

(A) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(B) Individual taxpayers with income at or below 100 percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(ii) The presentation referenced in (d)(iii)(D) of this subsection must include the following elements:

(A) The findings and alternatives included in the summary report described in (d)(ii) of this subsection; and

(B) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure, including presenting the findings described in (f) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(f) The duties of the department, with assistance of one or more technical advisory groups, are to:

(i) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(A) Update the data and research that informed the recommendations and other analysis contained in the final report;

(B) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(C) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(D) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (f)(i)(B) and (C) of this subsection; and

(E) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before May 21, 2019;

(ii) With respect to the recommendations in the final report of the 2018 tax structure work group:

(A) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(iii) Analyze our economic competitiveness with border states:

(A) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(B) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (f)(iii)(A) of this subsection;

(iv) Analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(v) Conduct, to the degree it is practicable, tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(vi) Present findings and alternatives, to the degree it is practicable, by geographic area, in addition to statewide; and

(vii) Conduct other analysis as directed by the work group.

(3) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 4, Laws of 2021 (SHB 1095) (emergency assistance/tax).

(4) \$212,000 of the general fund—state appropriation for fiscal year 2022 and \$33,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1477 (national 988

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system). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5000 (hydrogen/electric vehicles). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) \$2,489,000 of the general fund—state appropriation for fiscal year 2022 and \$4,189,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5096 (capital gains tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$11,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5220 (salmon recovery grants/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5251 (tax and revenue laws). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(9) \$115,000 of the general fund—state appropriation for fiscal year 2022 and \$44,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5396 (farmworker housing/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) \$97,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1480 (liquor licensee privileges). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) \$4,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Senate Bill No. 5454 (prop. tax/natural disasters). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) \$5,467,000 of the general fund—state appropriation for fiscal year 2022 and \$255,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1297 (working families tax exempt.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. Of the total amounts provided in this subsection:

(a) \$5,467,000 of the general fund—state appropriation for fiscal year 2022 and \$13,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the working families tax exemption program; and

(b) \$242,000,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for remittances under the working families tax exemption program.

(13) Within the amounts appropriated in this section, the department must convene a stakeholder work group to analyze and develop recommendations on future taxation of digital products that are used in the electronic processing of prescriptions to avoid increases in the cost of providing prescription drugs to consumers. The analysis and recommendations must be submitted in a report to the appropriate committees of the legislature by December 1, 2021.

NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2022)	\$2,631,000
General Fund—State Appropriation (FY 2023)	\$2,652,000
TOTAL APPROPRIATION	\$5,283,000

NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2022)	\$1,975,000
General Fund—State Appropriation (FY 2023)	\$1,564,000
Minority and Women's Business Enterprises Account—	
State Appropriation	\$4,607,000
TOTAL APPROPRIATION	\$8,146,000

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

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$135,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Senate Bill No. 5032 (alternative public works contracting procedures). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$851,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1259 (women and minority contracting). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 140. FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation.....	\$4,633,000
Insurance Commissioner's Regulatory Account—State	
Appropriation	\$66,336,000
Insurance Commissioner's Fraud Account—State	
Appropriation	\$3,603,000
TOTAL APPROPRIATION	\$74,572,000

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

(1) \$234,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5315 (captive insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) \$64,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5313 (health ins. discrimination). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$24,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4) \$3,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) \$649,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) \$83,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement

Substitute Senate Bill No. 5003 (living donor act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7)(a) \$75,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for a service utilization, cost, and implementation analysis of requiring coverage for the hearing instruments benefit described in House Bill No. 1047 (hearing instruments/children) for children who are 18 years of age or younger and for children and adults.

(b) The commissioner must contract with one or more consultants to:

(i) Obtain projected utilization and cost data from Washington state health carriers for health plans, as defined in RCW 48.43.005, to provide an estimate of aggregate statewide utilization and cost impacts of the coverage described in House Bill No. 1047 (hearing instruments/children) separately for children who are 18 years of age or younger and for children and adults, expressed as total annual cost and as a per member per month cost;

(ii) Assess the impact of federal and state health care nondiscrimination laws on the scope of the benefit described in House Bill No. 1047 (hearing instruments/children); and

(iii) Provide recommendations for distributing state payments to defray the cost of the benefit coverage described in House Bill No. 1047 (hearing instruments/children) for health carriers.

(c) The commissioner must report the findings of the analysis to the appropriate committees of the legislature by December 15, 2021.

NEW SECTION. Sec. 141. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State Appropriation.....	\$65,134,000
TOTAL APPROPRIATION.....	\$65,134,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,464,000 of the state investment board expense account—state appropriation is provided solely for investment data software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) During the 2021-2023 fiscal biennium, the Washington state investment board shall provide the law enforcement officers' and firefighters' plan 2 retirement board use of the investment board main conference room. The law enforcement officers' and firefighters' plan 2 retirement board must be allowed to use the board room for at least five hours on one day per month during regular business hours. Any additional direct costs incurred by the investment board due solely to the use of the conference room by the retirement board may be reimbursed by the law enforcement officers' and firefighters' plan 2 retirement board, consistent with any investment board policies on reimbursement for this facility applied to other major clients and investment partners.

NEW SECTION. Sec. 142. FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2022).....	\$388,000
General Fund—State Appropriation (FY 2023).....	\$417,000
General Fund—Federal Appropriation.....	\$3,013,000
General Fund—Private/Local Appropriation.....	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$11,575,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$11,608,000
Liquor Revolving Account—State Appropriation	\$82,347,000
TOTAL APPROPRIATION.....	\$109,423,000

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

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, \$4,939,000 for fiscal year 2022 and \$2,065,000 for fiscal year 2023 are provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,441,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 48, Laws of 2021 (E2SHB 1480) (liquor licensee privileges).

(4) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 6, Laws of 2021 (ESSB 5272) (liquor & cannabis board fees).

(5) \$38,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 is provided solely to implement Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

NEW SECTION. Sec. 143. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2022).....	\$251,000
General Fund—State Appropriation (FY 2023).....	\$199,000
General Fund—Private/Local Appropriation	\$16,591,000
Public Service Revolving Account—State Appropriation	\$42,430,000
Public Service Revolving Account—Federal Appropriation	\$100,000
Pipeline Safety Account—State Appropriation.....	\$3,435,000
Pipeline Safety Account—Federal Appropriation..	\$3,140,000
TOTAL APPROPRIATION	\$66,146,000

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$137,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$179,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5295 (gas & electric rates). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(4)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$199,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to examine feasible and practical pathways for investor-owned electric and natural gas utilities to contribute their share to greenhouse gas emissions reductions as described in RCW 70A.45.020, and the impacts of energy decarbonization on residential and commercial customers and the electrical and natural gas utilities that serve them.

(b) The examination required in (a) of this subsection must identify and consider:

- (i) How natural gas utilities can decarbonize;

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(ii) The impacts of increased electrification on the ability of electric utilities to deliver services to current natural gas customers reliably and affordably;

(iii) The ability of electric utilities to procure and deliver electric power to reliably meet that load;

(iv) The impact on regional electric system resource adequacy, and the transmission and distribution infrastructure requirements for such a transition;

(v) The costs and benefits to residential and commercial customers, including environmental, health, and economic benefits;

(vi) Equity considerations and impacts to low-income customers and highly impacted communities; and

(vii) Potential regulatory policy changes to facilitate decarbonization of the services that gas companies provide while ensuring customer rates are fair, just, reasonable, and sufficient.

(c) The commission may require data and analysis from investor-owned natural gas and electric utilities, and consumer owned utilities may submit data to the commission to inform the investigation. The results of the examination must be reported to the appropriate legislative committees by June 1, 2023.

(5) \$76,000 of the public service revolving account—state appropriation is provided solely to implement Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) \$36,000 of the public service revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1114 (urban heat island mitigation). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 144. FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2022).....	\$10,500,000
General Fund—State Appropriation (FY 2023).....	\$9,502,000
General Fund—Federal Appropriation	\$120,157,000
Enhanced 911 Account—State Appropriation	\$53,834,000
Disaster Response Account—State Appropriation.....	\$42,370,000
Disaster Response Account—Federal Appropriation	\$920,106,000
Military Department Rent and Lease Account—State Appropriation.....	\$994,000
Military Department Active State Service Account—State Appropriation.....	\$400,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation.....	\$1,832,000
TOTAL APPROPRIATION.....	\$1,160,735,000

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to assist eligible individuals and families with the purchase of household appliances. The maximum grant to an eligible individual or household is \$2,500. Grants will be awarded on a first-come, first-serve basis subject to availability of amounts provided in this subsection. For purposes of this subsection, "household appliance" means a machine that assists with household functions such as cooking, cleaning and food preservation. To be eligible, an individual or family must:

(a) Be a resident of Douglas, Okanogan, Pierce, or Whitman county;

(b) Have suffered damage to their home or was displaced from a rental unit used as their primary residence due to a wildfire occurring in fiscal year 2021;

(c) Not have or have inadequate private insurance to cover the cost of household appliance replacement;

(d) Not qualify for individual assistance through the federal emergency management agency; and

(e) Meet one of the following criteria:

(i) Is disabled;

(ii) Has a household income equal to or less than 80 percent of county median household income;

(iii) The home qualified for the property tax exemption program in RCW 84.36.379 through 84.36.389; or

(iv) The home qualified for the property tax deferral program in chapter 84.38 RCW.

(7) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

(8) \$3,808,000 of the disaster response account—state appropriation and \$46,039,000 of the disaster response account—federal appropriation are provided solely for agency costs for acquiring personal protective equipment as listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(9)(a) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the military department to facilitate a task force to conduct a comprehensive after-action review of the statewide pandemic response and recovery.

(b) The task force is composed of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The secretary of the department of health, or the secretary's designee;

(iv) The adjutant general of the military department, or the adjutant general's designee;

(v) The commissioner of the employment security department, or the commissioner's designee;

(vi) The director of the department of financial institutions, or the director's designee;

(vii) The insurance commissioner, or the commissioner's designee;

(viii) The secretary of the department of social and health services, or the secretary's designee;

(ix) The superintendent of public instruction, or the superintendent's designee;

(x) The director of the department of labor and industries, or the director's designee;

(xi) The director of the department of commerce, or the director's designee;

(xii) The director of the department of enterprise services, or the director's designee;

(xiii) The secretary of the department of transportation, or the secretary's designee;

(xiv) The director of the department of licensing, or the director's designee;

(xv) The director of the office of financial management, or the director's designee;

(xvi) The director of the health care authority, or the director's designee;

(xvii) The executive director of the pharmacy quality assurance commission, or the executive director's designee;

(xviii) One member representing the Washington association of sheriffs and police chiefs;

(xix) One member representing the association of Washington businesses; and

(xx) Additional members to be appointed by the governor, as follows:

(A) One member representing the office of the governor;

(B) One member representing the association of Washington cities;

(C) One member representing the Washington state association of counties;

(D) One member representing emergency and transitional housing providers;

(E) One member representing a statewide association representing physicians;

(F) One member representing a statewide association representing nurses;

(G) One member representing a statewide association representing hospitals;

(H) One member representing community health centers;

(I) Two members representing local public health officials;

(J) Two members representing local emergency management agencies, one member located west of the crest of the Cascade mountains and one member located east of the crest of the Cascade mountains;

(K) At least one member representing federally recognized tribes;

(L) Up to 10 members representing demographic groups that have been disproportionately impacted by the COVID-19 pandemic, that include, but are not limited to, individuals of different race, class, gender, ethnicity, and immigration status;

(M) One member representing leisure and hospitality industries;

(N) One member representing education services; and

(O) One member representing manufacturing and trade industries.

(c) The adjutant general, or the adjutant general's designee, and the secretary of the department of health, or the secretary's

designee, shall cochair the task force and convene its initial meeting.

(d)(i) The task force shall conduct the comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the task force shall develop lessons learned and make recommendations that include, but are not limited to, the following:

(A) Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;

(B) Emergency responses that would benefit the business community and workers during a pandemic;

(C) Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;

(D) Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;

(E) Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;

(F) Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;

(G) Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and

(H) Implementing guidelines for school closures during a pandemic.

(ii) The topics identified in (i) of this subsection (7)(d) are intended to be illustrative but not exhaustive. The task force should consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

(e) The military department must provide staff support for the task force. The military department may employ staff and contracted support to fulfill the requirements of this subsection.

(f) The task force shall consult with owners of small businesses, epidemiologists, and representatives of immigrant communities.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(h) The task force shall report its initial findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2022. The task force shall report its final findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

(10)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 129(88) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 129(88) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 129(88) of this act.

NEW SECTION. Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2022)..... \$2,401,000

General Fund—State Appropriation (FY 2023)..... \$2,371,000

Personnel Service Account—State Appropriation.. \$4,382,000

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Higher Education Personnel Services Account—State	
Appropriation.....	\$1,407,000
TOTAL APPROPRIATION.....	\$10,561,000

The appropriations in this section are subject to the following conditions and limitations: \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State	
Appropriation.....	\$4,438,000
TOTAL APPROPRIATION.....	\$4,438,000

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation.....	\$4,960,000
TOTAL APPROPRIATION.....	\$4,960,000

The appropriation in this section is subject to the following conditions and limitations: \$3,930,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. Sec. 148. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State Appropriation.	\$753,000
TOTAL APPROPRIATION.....	\$753,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amounts provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2022).....	\$5,976,000
General Fund—State Appropriation (FY 2023).....	\$5,833,000
General Fund—Private/Local Appropriation.....	\$102,000
Building Code Council Account—State Appropriation	
.....	\$1,825,000
TOTAL APPROPRIATION.....	\$13,736,000

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

(1) \$5,208,000 of the general fund—state appropriation for fiscal year 2022 and \$5,269,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies

among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$162,000 of the general fund—state appropriation in fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to waive rent fees and charges through June 30, 2023, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

(6) Within existing resources, the state building code council, in collaboration with the LGBTQ commission, must develop a plan to incorporate into future Washington state building codes options for the design and construction of inclusive bathroom facilities that are consistent with a person's own gender expression or gender identity. Coordination must begin by September 1, 2021, and a preliminary report of the plan is due by September 1, 2022.

(7)(a) The department must work with the office of financial management to identify leases that will be up for renewal effective July 1, 2022, through June 30, 2024.

(b) The department must collaborate with the office of financial management on reduction in leased office space by agency for fiscal years 2024 and 2025.

(8)(a) The department must work collaboratively with at least each state agency that has fleet vehicles to discuss the agency

need for the number of fleet vehicles each agency has as of July 1, 2021. The department must identify and report, at least:

(i) The count of fleet vehicles by agency by type, and the cost by fund source by fiscal year for fiscal year 2019, 2020, 2021, 2022, and 2023 for agency fleet vehicles;

(ii) The mileage data by agency by fleet vehicle for fiscal year 2019, 2020, and 2021, and the estimates for fiscal year 2022 and 2023; and

(iii) The business justification for the amount of fleet vehicles in fiscal year 2022 and 2023, by agency, given the change in business practice from in-person to remote work and video conferencing that began in 2020.

(b) The department must submit the report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(9)(a) The department must examine the motor pool fleet to determine the need for the number of vehicles. The department must identify, at least:

(i) The count of motor pool vehicles by type;

(ii) The cost recovery needed by fiscal year for fiscal year 2021, 2022, and 2023. This must include the anticipated recovery by fund source by fiscal year for fiscal year 2021, 2022, and 2023;

(iii) The mileage data by motor pool vehicle for fiscal year 2019, 2020, and 2021, and the estimates for 2022 and 2023; and

(iv) The business justification for the amount of motor vehicles in fiscal year 2022 and 2023, given the change in business practice from in-person to remote work and video conferencing.

(b) The department must report to fiscal and appropriate policy committees of the legislature by December 1, 2021.

(10) \$69,000 of the building code council account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water quality standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2022)..... \$2,736,000

General Fund—State Appropriation (FY 2023)..... \$2,779,000

General Fund—Federal Appropriation..... \$2,948,000

General Fund—Private/Local Appropriation..... \$14,000

TOTAL APPROPRIATION..... \$8,477,000

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2022 and \$103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington main street program, including \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 provided solely for a pilot project grant program for affiliate main street programs. From the amount provided in this subsection, the department may provide grants of up to \$40,000 to the affiliate main street programs for staffing costs, capacity building, and other costs associated with establishing a local nonprofit organization focused solely on downtown revitalization. The department must prioritize affiliate main street programs in locations with a population under 20,000.

NEW SECTION. Sec. 151. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2022)..... \$581,000

General Fund—State Appropriation (FY 2023)..... \$531,000

Consolidated Technology Services Revolving Account—

State Appropriation \$53,030,000

TOTAL APPROPRIATION \$54,142,000

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

(1) \$11,623,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly and post these to the statewide IT dashboard; and

(iii) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

(b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(2) \$12,393,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

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(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10) \$23,150,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature beginning December 31, 2021, and each December 31 thereafter, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

(11)(a) The statewide information technology dashboard elements must include, at a minimum, the:

(i) Start date of the project;

(ii) End date of the project, when the project will close out and implementation will commence;

(iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;

(iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;

(v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;

(vi) Start date of maintenance and operations;

(vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;

(viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;

(ix) Date a feasibility study was completed; and

(x) A list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

(b) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and under oversight to include, at a minimum, posting on the dashboard:

(i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2021, by December 31, 2021, for all projects that started prior to July 1, 2021;

(iii) The project historical expenditures through fiscal year 2022, by December 31, 2022, for all projects that started prior to July 1, 2022; and

(iv) Whether each project has completed a feasibility study.

(12) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

(a) Provide Aptio data to the department of enterprise services annually beginning September 1, 2021, and each September 1 of each year; and

(b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contract spending towers.

(13) \$129,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) \$12,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the chief information officer who must convene a work group to examine how automated decision making systems can best be reviewed before adoption and while in operation and be periodically audited to ensure that such systems are fair, transparent, accountable and do not improperly advantage or disadvantage Washington residents.

(a) The work group must be composed of:

(i) A representative of the department of children, youth, and families;

(ii) A representative of the department of corrections;

(iii) A representative of the department of social and health services;

(iv) A representative of the department of enterprise services;

(v) At least two representatives from universities or research institutions who are experts in the design and effect of an algorithmic system; and

(vi) At least five representatives from advocacy organizations that represent communities that are disproportionately vulnerable

to being harmed by algorithmic bias, including but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, people with disabilities, and other vulnerable communities.

(b) The purpose of the work group is to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies. The work group must examine:

- (i) When state agency use of automated decision making systems should be prohibited;
- (ii) When state agency use of artificial intelligence-enabled profiling systems should be prohibited;
- (iii) Changes in the procurement of automated decision systems, including when the procurement must receive prior approval by the office of chief information officer;
- (iv) How to review, identify, and audit systems to ensure that the system prior to procurement and after placed into service does not discriminate against an individual, or treat an individual less favorably than another, in whole or in part, on the basis of one or more factors enumerated in RCW 49.60.010;
- (v) How to provide public notice when an automated decision system is in use and how to appeal such decisions;
- (vi) How automated decision system data should be stored and whether such data should be shared outside the system; and
- (vii) Other issues determined by the office of chief information officer or the department of enterprise services that are necessary to govern state agency procurement and use of automated decision systems.

(c) To demonstrate the impacts of its recommendations, the work group must select one of following automated decision making systems and describe how their implementation would affect the procurement of a new system and the use the existing system:

- (i) The department of children, youth, and families system used to determine risk in the family child welfare system;
- (ii) The department of corrections system used to determine risk for purposes of evaluating early release and/or sentencing; or
- (iii) The department of social and health services system used for hospital admissions.

(d) The work group shall meet at least four times, or more frequently to accomplish its work. The office of the chief information officer must lead the work group. Each of the state agencies identified in (a) of this subsection must provide staff support to the work group and its activities.

(e) The work group must submit a report to the fiscal committees of the legislature and the governor no later than December 1, 2021.

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that uses data-based analysis or calculations to make or support government decisions, judgments, or conclusions that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation, benefits, protections, required payments, penalties, regulations, timing, application, or process requirements.

(15) \$81,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1274 (cloud computing solutions). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16)(a) \$381,000 of the general fund—state appropriation for fiscal year 2022 and \$343,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the chief information officer to provide a common

platform for hosting existing state data on natural hazards risks into a comprehensive, multihazard, statewide, geospatial data portal to assist with state hazard risk and resilience mapping and analysis. In performing this work, the office of the chief information officer will:

- (i) Coordinate with the state emergency management division, office of the insurance commissioner, University of Washington climate impacts group and Washington sea grant, Washington State University water research center, and the state departments of ecology, health, natural resources, and transportation on the project scope, user needs, and deliverables;
- (ii) Organize data in standardized and compatible formats including temporal data, where able; and
- (iii) Address credentialing for secure access to protect sensitive data needed for risk analyses.

(b) By December 1, 2022, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a progress report to the relevant legislative committees on the development of the platform and data sharing agreements.

(c) By June 1, 2023, in consultation with the governor's office and the other agencies listed above, the office of the chief information officer will provide a final report with recommendations for further enhancing natural hazards resiliency by using data to inform the development of a statewide resilience strategy.

(d) This subsection is subject to the conditions, limitations, and review of section 701 of this act.

(17) \$1,493,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5432 (cybersecurity/state gov.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 152. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation	\$4,190,000
TOTAL APPROPRIATION	\$4,190,000

NEW SECTION. Sec. 153. FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD

Law Enforcement Officers' and Firefighters' Plan 2 Expense Nonappropriated Fund—State	
Appropriation	\$320,000
TOTAL APPROPRIATION	\$320,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an additional full-time equivalent position to staff an ombuds services program. The ombuds services program will provide information and advice and assist members and survivors regarding the benefits and services for which they qualify.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided

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solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work

together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022) ..	\$435,890,000
General Fund—State Appropriation (FY 2023) ..	\$436,264,000
General Fund—Federal Appropriation.....	\$142,531,000
General Fund—Private/Local Appropriation	\$21,540,000
TOTAL APPROPRIATION	\$1,036,225,000

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

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen

days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2021, and December 1, 2022.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) By the first day of each December during the biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature which summarizes how the predictive modeling tool has been implemented and includes the following: (A) The numbers of individuals identified by the tool as having a high risk of future criminal justice involvement; (B) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (C) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (D) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(ii) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast

based on the caseload forecast council's schedule for entitlement program forecasts.

(h) \$5,049,000 of the general fund—state appropriation for fiscal year 2022 and \$5,075,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$71,690,000 of the general fund—state appropriation for fiscal year 2022, \$77,825,000 of the general fund—state appropriation for fiscal year 2023, and \$2,541,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2021-2023 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(k) \$76,029,000 of the general fund—state appropriation for fiscal year 2022 and \$59,784,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(l) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of

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locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(ii) By December 1, 2021, and December 1, 2022, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$10,581,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for continuing to implement a new intensive care model program at western state hospital and maintaining prior investments in training and other safety-related staff support at both hospitals. A report must be submitted by December 1, 2021, and December 1, 2022, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and outcomes associated with the program. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but

not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per thousand patient bed days; (iv) monthly dollar expenditures per thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per thousand patient bed days; (x) rate of patient assaults per thousand patient bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(o) \$3,846,000 of the general fund—state appropriation for fiscal year 2022, \$3,846,000 of the general fund—state appropriation for fiscal year 2023, and \$7,692,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to 18 children.

(p) \$2,941,000 of the general fund—state appropriation for fiscal year 2023 and \$2,941,000 of the general fund—federal appropriation are provided solely for the department to operate a 16 bed facility located in Clark county to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

(q) \$1,382,000 of the general fund—state appropriation for fiscal year 2022, \$5,092,000 of the general fund—state appropriation for fiscal year 2023, and \$5,092,000 of the general fund—federal appropriation is provided solely for the department to operate a 16 bed facility on the Maple Lane campus to provide long-term inpatient care beds as defined in RCW 71.24.025. The facility must have the capacity to provide treatment services to individuals committed under chapter 71.05 RCW including individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, providing a description of the protocol and a status update on progress toward opening the new facility.

(r) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to operate the Columbia cottage at Maple Lane as a 30 bed facility to serve individuals who have been acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120. The department must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether

the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward the opening of Columbia cottage.

(s) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(i) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2022 and fiscal year 2023.

(ii) Funding for civil beds at western state hospital is reduced during this period to allow for a phased reduction of six wards from 467 to 287 civil beds.

(iii) The closure of western state hospital civil wards shall be implemented according to the following schedule: (A) First ward closure by July 1, 2021; (B) second ward closure by November 1, 2021; (C) third ward closure by March 1, 2022; (D) fourth ward closure by July 1, 2022; (E) fifth ward closure by November 1, 2022; and (F) sixth ward closure by April 1, 2023.

(iv) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(v) The department shall coordinate with the health care authority toward development of the plan for increasing community capacity for long-term inpatient services required under section 215(67) of this act.

(vi) It is the intent of the legislature to close additional civil wards at western state hospital during the 2023-2025 fiscal biennium.

(vii) It is the intent of the legislature to stop using western state hospital buildings 17, 19, 20, and 21, which were built before the 1950s, for patient care by fiscal year 2027.

(t) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022).....	\$5,936,000
General Fund—State Appropriation (FY 2023).....	\$5,929,000
General Fund—Federal Appropriation	\$366,000
TOTAL APPROPRIATION	\$12,231,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022)..	\$747,646,000
General Fund—State Appropriation (FY 2023)..	\$948,278,000
General Fund—Federal Appropriation	\$2,086,801,000
General Fund—Private/Local Appropriation.....	\$4,058,000
Developmental Disabilities Community Services	

Account—State Appropriation.....	\$52,000,000
TOTAL APPROPRIATION	\$3,838,783,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c) \$2,648,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$16,665,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(d) \$291,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,844,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) \$540,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for fiscal year 2023, and \$1,881,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

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(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$4,000 of the general fund—state appropriation for fiscal year 2022, \$17,000 of the general fund—state appropriation for fiscal year 2023, and \$23,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(k) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community. The department must submit its recommendations to the appropriate legislative committees no later than December 1, 2021.

(l) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(m) \$300,000 of the general fund—state appropriation for fiscal year 2023 and \$226,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health

consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(n) \$408,000 of the general fund—state appropriation for fiscal year 2022, \$416,000 of the general fund—state appropriation for fiscal year 2023, and \$474,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(o) \$3,474,000 of the general fund—state appropriation for fiscal year 2022, \$11,423,000 of the general fund—state appropriation for fiscal year 2023, and \$15,262,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, group training home, and licensed staff residential services to individuals with developmental disabilities. The amounts provided in this subsection (o) include funding to increase the provider rate by 2.0 percent effective January 1, 2022, and by an additional 2.0 percent effective January 1, 2023. Both 2.0 percent rate increases must be used to support providers' ability to maintain direct care staff wages above the statewide minimum wage.

(p) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(q) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(r) \$39,000 of the general fund—state appropriation for fiscal year 2022, \$49,000 of the general fund—state appropriation for fiscal year 2023, and \$131,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(s) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(t) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding

year, as well as the location and number of days per month that each respite bed was occupied.

(u) \$18,733,000 of the general fund—state appropriation for fiscal year 2022 and \$46,342,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic through the end of calendar year 2021.

(v) \$78,000 of the general fund—state appropriation for fiscal year 2022, \$75,000 of the general fund—state appropriation for fiscal year 2023, and \$113,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5284 (subminimum wage/disabilities). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(w) Funding in this section is sufficient to implement chapter 352, laws of 2020 (developmental disabilities budgeting), including a review of the no-paid services caseload and to update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service. It is the intent of the legislature that the department will, as required in chapter 252, laws of 2020 (developmental disabilities budgeting), submit a report of this information to the governor and the appropriate committees of the legislature by December 1, 2021. It is also the intent of the legislature that the necessary paid services identified with completion of this report will be adequately funded by the conclusion of fiscal year 2024.

(x) \$1,387,000 of the general fund—state appropriation for fiscal year 2022, \$2,641,000 of the general fund—state appropriation for fiscal year 2023, and \$4,250,000 of the general fund—federal appropriation are provided solely to increase the capacity of the children's intensive in-home behavioral supports waiver by 100 slots.

(y) \$205,000 of the general fund—state appropriation for fiscal year 2022, \$232,000 of the general fund—state appropriation for fiscal year 2023, and \$590,000 of the general fund—federal appropriation are provided solely for the department of social and health services to examine the capabilities of the community residential settings and services; to improve cross-system coordination; and to begin the process of redesigning state-operated intermediate care facilities to function as short-term crisis stabilization and intervention. Of the amounts provided in this subsection (1)(y):

(i) \$159,000 of the general fund—state appropriation for fiscal year 2022, \$186,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely for the department of social and health services to:

(A) Beginning with the governor's budget proposal submitted in December 2022, submit a budget request for expenditures associated with anticipated demand for services under the individual and family services waiver, the basic plus waiver, and the number of individuals who are expected to reside in state-operated living alternatives for consideration by the governor and the legislature for inclusion in maintenance level budgets;

(B) Examine the need for community respite beds to serve eligible individuals and stabilization, assessment, and intervention beds to provide crisis stabilization services for individuals with complex behavioral needs. A preliminary report must be submitted no later than October 1, 2022, with a final report submitted no later than October 1, 2023, to the governor and the appropriate committees of the legislature that estimates the number of beds needed in fiscal years 2023 through 2025, recommends geographic locations of these beds, provides options for contracting with community providers for these beds,

provides options for utilizing existing intermediate care facilities to meet these needs, and recommends whether or not an increase to respite hours is needed;

(C) Contract with a private vendor for a study of medicaid rates for contracted community residential service providers. The study must be submitted to the governor and the appropriate committees of the legislature no later than December 1, 2023, and must include:

(I) A recommendation of rates needed for facilities to cover their costs and adequately recruit, train, and retain direct care professionals;

(II) Recommendations for an enhanced rate structure, including when and for whom this rate structure would be appropriate; and

(III) An assessment of options for an alternative, opt-in rate structure for contracted supported living providers who voluntarily serve individuals with complex behaviors, complete additional training, and submit to additional monitoring;

(D) Submit by October 1, 2022, a five-year plan to phase-in the appropriate level of funding and staffing to achieve case management ratios of one case manager to no more than 35 clients. The five-year plan must include:

(I) An analysis of current procedures to hire and train new staff within the developmental disabilities administration of the department of social and health services;

(II) Identification of any necessary changes to these procedures to ensure a more efficient and timely process for hiring and training staff; and

(III) Identification of the number of new hires needed on an annual basis to achieve the phased implementation included in the five-year plan;

(E) Collaborate with appropriate stakeholders to develop uniform quality assurance metrics that are applied across community residential settings, intermediate care facilities, and state-operated nursing facilities and submit a report of these activities to the governor and the legislature no later than June 30, 2023;

(F) Collaborate with the developmental disabilities council to improve cross-system coordination and submit a report of the activities and any recommendations for policy or fiscal changes to the governor and the legislature no later than October 1, 2022, for consideration in the 2023 legislative session that describes collaborating with the developmental disabilities council to:

(I) Coordinate collaboration efforts among relevant stakeholders to develop and disseminate best practices related to serving individuals with cooccurring intellectual and developmental disabilities and mental health conditions;

(II) Work with Washington state's apprenticeship and training council, colleges, and universities to establish medical, dental, nursing, and direct care apprenticeship programs that would address gaps in provider training and overall competence;

(III) Devise options for consideration by the governor and the legislature to prioritize funding for housing for individuals with intellectual and developmental disabilities when a lack of affordable housing is the barrier preventing an individual from moving to a least restrictive community setting; and

(IV) Coordinate collaboration efforts among relevant stakeholders to examine existing law with regard to guardianship and protective proceedings and make any necessary recommendations for changes to existing law to ensure that guardianship or other protective proceedings are designed to provide individuals with intellectual and developmental disabilities with the decision making support they require to live as independently as possible in the least restrictive environment, including consideration of mechanisms that enable regular payment for services rendered by these legal representatives when appropriate; and

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(G) Develop procedures that ensure that placement in an intermediate care facility is temporary and submit a report of these efforts, including any necessary recommendations for policy or fiscal changes, to the governor and the legislature for consideration in the 2022 legislative session no later than November 1, 2021, that describes the development of procedures that ensure that:

(I) Clear, written, and verbal information is provided to the individual and their family member that explains that placement in the intermediate care facility is temporary and what constitutes continuous aggressive active treatment and its eligibility implications;

(II) Discharge planning begins immediately upon placement of an individual within the intermediate care facility and that the individual and their family member is provided clear descriptions of all placement options and their requirements;

(III) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(IV) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan.

(ii) \$46,000 of the general fund—state appropriation in fiscal year 2022, \$46,000 of the general fund—state appropriation in fiscal year 2023, and \$280,000 of the general fund—federal appropriation are provided solely to establish peer mentors to connect each client in an intermediate care facility with a mentor to assist in their transition planning. No later than November 1, 2021, the department of social and health services must submit a report describing these efforts and make any necessary recommendations for policy or fiscal changes to the governor and the legislature for consideration in the 2022 legislative session.

(z) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(aa) \$63,000 of the general fund—state appropriation for fiscal year 2022, \$13,000 of the general fund—state appropriation for fiscal year 2023, and \$77,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)..	\$115,635,000
General Fund—State Appropriation (FY 2023)..	\$125,463,000
General Fund—Federal Appropriation	\$241,480,000
General Fund—Private/Local Appropriation.....	\$27,043,000
TOTAL APPROPRIATION.....	\$509,621,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are

reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a cost of living increase adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)	\$2,639,000
General Fund—State Appropriation (FY 2023)	\$2,688,000
General Fund—Federal Appropriation.....	\$3,192,000
TOTAL APPROPRIATION	\$8,519,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022)	\$61,000
General Fund—State Appropriation (FY 2023)	\$61,000
General Fund—Federal Appropriation.....	\$1,090,000
TOTAL APPROPRIATION	\$1,212,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2022)	\$1,422,098,000
General Fund—State Appropriation (FY 2023)	\$1,783,367,000
General Fund—Federal Appropriation.....	\$4,517,927,000
General Fund—Private/Local Appropriation	\$37,804,000
Traumatic Brain Injury Account—State Appropriation	\$4,544,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation	\$10,873,000
TOTAL APPROPRIATION	\$7,909,973,000

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$259.84 for fiscal year 2022 and may not exceed \$279.84 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$6,113,000 of the general fund—state appropriation for fiscal year 2022, \$19,799,000 of the general fund—state appropriation for fiscal year 2023, and \$37,161,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(5) \$1,941,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$12,064,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer initiative 2 of the medicaid transformation waiver that provides tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. This initiative will be funded by the health care authority with the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

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(12) \$3,378,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,980,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 948 of this act.

(13) \$1,761,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical

therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(17) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(18) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$261,000 of the general fund—state appropriation for fiscal year 2022, \$320,000 of the general fund—state appropriation for fiscal year 2023, and \$861,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2021.

(20) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(21) \$1,458,000 of the general fund—state appropriation for fiscal year 2022 and \$1,646,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community-based dementia education and support activities in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(23) \$237,000 of the general fund—state appropriation for fiscal year 2022, \$226,000 of the general fund—state appropriation for fiscal year 2023, and \$572,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) \$345,000 of the general fund—state appropriation for fiscal year 2022, \$50,000 of the general fund—state appropriation for fiscal year 2023, and \$336,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) \$4,329,000 of the general fund—state appropriation for fiscal year 2022 and \$4,329,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(26) \$41,117,000 of the general fund—state appropriation for fiscal year 2022 and \$101,715,000 of the general fund—federal appropriation are provided solely to continue providing rate add-ons for contracted service providers to address the increased costs associated with serving clients during the COVID-19 pandemic through the end of calendar year 2021.

(27) \$11,609,000 of the general fund—state appropriation for fiscal year 2023 and \$11,609,000 of the general fund—federal appropriation are provided solely to increase the fixed rate paid for skilled nursing facility medicaid direct care to one hundred and five percent of statewide case mix neutral median costs.

(28) Within the amounts provided in this section, the department of social and health services must develop a statewide agency emergency preparedness plan with which to respond to future public health emergencies.

(29) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(30) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(31) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(32) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(33) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

(34) \$10,797,000 of the general fund—state appropriation for fiscal year 2022, \$11,477,000 of the general fund—state

appropriation for fiscal year 2023, and \$23,946,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(35) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(36) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for fall prevention training. The department of social and health services will provide one-time grant funding to an association representing long-term care facilities to develop and provide fall prevention training for long-term care facilities. The training must include information about environmental modifications to help reduce falls, tools to assess an individual's risk for falling, and evidence-based interventions for reducing falls amongst individuals with dementia or cognitive impairments. The training must be offered at no cost and made available online for the general public to access at any time. The recipient of the grant funds must work with the department of social and health services and the department of health on developing and promoting the training.

(37) \$4,504,000 of the general fund—state appropriation for fiscal year 2022, \$9,072,000 of the general fund—state appropriation for fiscal year 2023, and \$452,000 of the general fund—federal appropriation are provided solely for behavioral health personal care services for individuals with exceptional care needs due to their psychiatric diagnosis as determined through the department's CARE assessment and for three full-time positions to coordinate with the health care authority and medicaid managed care organizations for the care of these individuals. Future caseload and per capita changes for behavioral health personal care services will be incorporated into the department's medicaid forecast. The department shall coordinate with the authority for purposes of developing and submitting to the centers for medicare and medicaid, a 1915(i) state plan.

(38) Within existing appropriations, and no later than December 31, 2021, the department of social and health services must work with stakeholders to consider modifications to current practices that address the current challenges adult family homes are facing with acquiring and maintaining liability insurance coverage. In consultation with stakeholders, the department of social and health services must:

(a) Transition language contained in citation and enforcement actions to plain talk language that helps insurers and consumers understand the nature of the regulatory citations; and

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(b) Display the severity and resolution of citation and enforcement actions in plain talk language for consumers and insurers to better understand the nature of the situation.

(39) \$435,000 of the general fund—state appropriation for fiscal year 2022 and \$435,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the current pilot project in Pierce county to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid and to establish two new pilot project sites in King county, one site in Clark county, and one site in Spokane county. The department of social and health services shall submit a report by December 1, 2022, to the governor and appropriate legislative committees that addresses the following for each site:

- (a) The number of people served in the pilot;
- (b) The number of people served in the pilot who transitioned to medicaid personal care;
- (c) The number of people served in the pilot who found stable housing; and
- (d) Any additional information or data deemed relevant by the contractors or the department of social and health services.

(40) \$3,063,000 of the general fund—state appropriation for fiscal year 2022 and \$4,517,000 of the general fund—federal appropriation is provided solely to offset COVID-19 related cost impacts on the in-home medicaid long-term care case management program operated by area agencies on aging.

(41) Appropriations provided in this section are sufficient to implement Substitute Senate Bill No. 5258 (consumer directed employers).

(42) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$65,000 of the general fund—state appropriation for fiscal year 2023, and \$98,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5163 (conditionally released sexually violent predators). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(43) \$75,000 of the general fund—state appropriation for fiscal year 2022, \$54,000 of the general fund—state appropriation for fiscal year 2023, and \$130,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(44) \$15,000 of the general fund—state appropriation for fiscal year 2022, \$51,000 of the general fund—state appropriation for fiscal year 2023, and \$32,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2022)..	\$414,105,000
General Fund—State Appropriation (FY 2023)..	\$420,792,000
General Fund—Federal Appropriation	\$1,528,996,000
General Fund—Private/Local Appropriation.....	\$5,274,000
Domestic Violence Prevention Account—State Appropriation.....	\$2,404,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$345,399,000
TOTAL APPROPRIATION.....	\$2,716,970,000

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

(1)(a) \$118,168,000 of the general fund—state appropriation for fiscal year 2022, \$119,846,000 of the general fund—state appropriation for fiscal year 2023, and \$859,678,000 of the

general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) \$386,329,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$10,914,000 of the general fund—state appropriation for fiscal year 2022, \$14,104,000 of the general fund—state appropriation for fiscal year 2023, and \$27,226,000 of the general fund—federal appropriation are provided solely for the department to increase the temporary assistance for needy family grant standard by 15 percent, effective July 1, 2021.

(ii) \$10,744,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the department to provide cash assistance to households who have exceeded the 60 month time limit in the temporary assistance for needy families program, pursuant to RCW 74.08A.010(5), through June 30, 2022. Because funding for this specific purpose is provided only through fiscal year 2022, pursuant to section 4 of Second Substitute Senate Bill No. 5214, the bill takes effect 90 days after final adjournment of the legislative session in which it is enacted.

(iii) \$3,420,000 of the general fund—state appropriation for fiscal year 2023 and \$2,126,000 of the general fund—federal appropriation are provided solely for the cost of benefits associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to provide the high-unemployment time-limit extension approved under the bill upon the expiration of the 60-month time limit extension pursuant to (b)(ii) of this subsection.

(iv) \$217,000 of the general fund—state appropriation for fiscal year 2022 and \$863,000 of the general fund—federal appropriation are provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of the mid-certification review and extension of the eligibility review between November 2020 and June 2021 for the temporary assistance for needy families program.

(c) \$172,917,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$5,952,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the WorkFirst services costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$2,474,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$568,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for WorkFirst services costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iv) \$748,000 of the general fund—state appropriation for fiscal year 2022, \$760,000 of the general fund—state appropriation for fiscal year 2023, and \$1,706,000 of the general fund—federal appropriation are provided solely for WorkFirst services costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(v) \$3,701,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the WorkFirst costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this section shall lapse.

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, \$116,195,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$399,000 of the general fund—state appropriation for fiscal year 2022 of the amounts in (a) of this subsection is provided solely for administrative and overhead costs associated with the expansion of the 60 month time limit in the temporary assistance for needy families program for households described in RCW 74.08A.010(5).

(ii) \$43,000 of the general fund—state appropriation in fiscal year 2022 and \$43,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for administrative and overhead costs associated with the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(iii) \$1,215,000 of the general fund—federal appropriation is provided solely for administrative and overhead costs associated with the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(iv) \$512,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for administrative and overhead costs associated with the implementation of Second Substitute Senate Bill No. 5214 (economic assistance programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to use the funding provided in this subsection to make information technology changes necessary to provide the high-unemployment time-limit extension approved under the bill beginning July 1, 2022.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

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(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$609,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of

section 2, chapter 9, Laws of 2021 (SHB 1151) (public assistance), a state-funded cash benefit program and transitional food assistance program for households with children that are recipients of the supplemental nutrition assistance program of the food assistance program but are not recipients of the temporary assistance for needy families program.

(10) \$377,000 of the general fund—state appropriation for fiscal year 2022 and \$377,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consolidated emergency assistance program.

(11) \$77,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a study, jointly with the poverty reduction work group, on the feasibility of implementing a universal basic income pilot program. The study must include research of other universal basic income programs, recommendations for a pilot in Washington, a cost-benefit analysis, operational costs, and an implementation plan that includes a strategy to ensure pilot participants who voluntarily quit a public assistance program to enroll in the universal basic income pilot will not experience gaps in service upon completion of the pilot. The department shall submit recommendations required by this section to the governor and appropriate legislative committees no later than June 1, 2022.

(12) \$251,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in state fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the aged, blind, or disabled program.

(13) \$388,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for costs in fiscal year 2022 that are associated with the temporary suspension of mid-certification reviews and extension of the eligibility review between November 2020 and June 2021 for the food assistance program.

(14) \$5,399,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the department to increase benefits for the food assistance program to maintain parity with benefits provided under the supplemental nutrition assistance program, for the period of July 1, 2021, through September 30, 2021.

(15) \$340,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington immigrant relief fund, a disaster assistance program to provide grants to eligible persons. Administrative costs may not exceed 10 percent of the funding in this subsection.

(a) A person is eligible for a grant who:

(i) Lives in Washington state;

(ii) Is at least 18 years of age;

(iii) After January 1, 2021, and before June 30, 2023, has been significantly affected by the coronavirus pandemic, such as loss of employment or significant reduction in work hours, contracting the coronavirus, having to self-quarantine as a result of exposure to the coronavirus, caring for a family member who contracted the coronavirus, or being unable to access childcare for children impacted by school or childcare closures; and

(iv) Is not eligible to receive federal economic impact (stimulus) payments or unemployment insurance benefits due to the person's immigration status.

(b) The department may not deny a grant to a person on the basis that another adult in the household is eligible for federal economic impact (stimulus) payments or unemployment insurance benefits or that the person previously received a grant under the program. However, a person may not receive more than three grants.

(c) The department's duty to provide grants is subject to the availability of the amounts specified in this subsection, and the department must prioritize grants to persons who are most in need of financial assistance using factors that include, but are not limited to: (i) Having an income at or below 250 percent of the federal poverty level; (ii) being the primary or sole income earner of household; (iii) experiencing housing instability; and (iv) having contracted or being at high risk of contracting the coronavirus.

(d) The department may contract with one or more entities to administer the program. If the department engages in a competitive contracting process for administration of the program, experience in administering similar programs must be given weight in the selection process to expedite the delivery of benefits to eligible applicants.

(16) \$204,000 of the general fund—state appropriation for fiscal year 2022 and \$22,635,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

(17) \$88,000 of the general fund—state appropriation for fiscal year 2022 and \$89,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 90, Laws of 2021 (SSB 5068) (postpartum period/Medicaid).

(18) \$41,000 of the general fund—state appropriation for fiscal year 2022, \$81,000 of the general fund—state appropriation for fiscal year 2023, and \$237,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1416 (insurers/child support coll.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2022)....	\$16,231,000
General Fund—State Appropriation (FY 2023)....	\$16,456,000
General Fund—Federal Appropriation	\$109,595,000
TOTAL APPROPRIATION.....	\$142,282,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1061 (child welfare/dev disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2022)....	\$63,650,000
General Fund—State Appropriation (FY 2023)....	\$61,748,000
TOTAL APPROPRIATION.....	\$125,398,000

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,079,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for specialized equipment and additional medical staff to provide more capacity to deliver care to individuals housed at the total confinement facility. No later than November 1, 2023, the department shall report to the legislature on the number of

individuals treated on the island that previously would have been transported off the island for treatment.

(3) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the increased costs for personal computers leased through the department of enterprise services.

(4) \$6,768,000 of the general fund—state appropriation for fiscal year 2022 and \$4,496,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5163 (conditionally released SVPs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2022)	\$39,381,000
General Fund—State Appropriation (FY 2023)	\$39,035,000
General Fund—Federal Appropriation.....	\$51,371,000
TOTAL APPROPRIATION	\$129,787,000

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$3,000 of the general fund—state appropriation for fiscal year 2022, \$5,000 of the general fund—state appropriation for fiscal year 2023, and \$8,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium.

(3) By October 1, 2021, the department must submit a report to the fiscal committees of the legislature detailing shortcomings of the previously funded electronic health records system and contract, the clinical validity of existing software, approaches to mitigate the shortcomings of previously funded system, and a recommended approach to establishing a comprehensive electronic health records system at state facilities in the future.

(4) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1411 (health care workforce). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2022)	\$65,743,000
General Fund—State Appropriation (FY 2023)	\$56,529,000
General Fund—Federal Appropriation.....	\$53,229,000
TOTAL APPROPRIATION	\$175,501,000

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

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this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY

(1)(a) During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2021, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

NEW SECTION. Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2022)	\$2,516,277,000
General Fund—State Appropriation (FY 2023)	\$2,439,933,000
General Fund—Federal Appropriation	\$13,199,214,000
General Fund—Private/Local Appropriation	\$355,726,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation	\$723,238,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$24,511,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$25,182,000
Medical Aid Account—State Appropriation	\$540,000
Telebehavioral Health Access Account—State Appropriation	\$7,714,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$35,000,000
TOTAL APPROPRIATION	\$19,342,421,000

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

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The

authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(2)(a) No more than \$63,052,000 of the general fund—federal appropriation and no more than \$50,840,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$243,047,000 of the general fund—federal appropriation and no more than \$99,274,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than \$26,837,000 of the general fund—federal appropriation and \$26,839,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office

of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than \$50,389,000 of the general fund—federal appropriation and no more than \$22,862,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

(6) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental diseases by November 1, 2021, to the appropriate committees of the legislature.

(7) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(8) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(9) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(10) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) \$3,997,000 of the general fund—state appropriation for fiscal year 2022, \$4,261,000 of the general fund—state appropriation for fiscal year 2023, and \$8,786,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital

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payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional

payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$702,000 of the general fund—state appropriation for fiscal year 2022 and \$649,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

(16) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(17) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(18) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(19) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(21) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(22) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate

efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program. By November 15, 2022, the authority shall submit a report to the appropriate committees to the legislature that provides, at a minimum, information about the number of calls received by the nonprofit organization in the previous year, the amount of time spent on each call, comparisons to previous years, where available, and information about what data is collected related to this service.

(24) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(25) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(26) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(27) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(28) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(30) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(31) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(32)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the

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authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division; and

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(A) Work with its contracted actuary and the medicaid forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(B) Work with the medicaid forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2021, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report; and

(ii) Specific, quantified information regarding the steps taken toward (a)(i), (iii), and (iv) of this subsection.

(33) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(16) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 1, 2021, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsections (35) and (36) of this section.

(35) \$19,664,000 of the general fund—state appropriation for fiscal year 2022, \$26,218,000 of the general fund—state appropriation for fiscal year 2023, and \$77,996,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(f) Not duplicate rate increases provided in subsections (34) and (36) of this section.

(36) \$2,233,000 of the general fund—state appropriation for fiscal year 2022, \$2,977,000 of the general fund—state appropriation for fiscal year 2023, and \$10,871,000 of the general fund—federal appropriation are provided solely to increase provider rates to maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers. The rate increases are effective October 1, 2021, and must be applied to the following codes for eligible apple health and family planning only clients seeking services through department of health sexual and reproductive health program providers: 36415, 36416, 55250, 57170, 58340, 58600, 58605, 58611, 58615, 58670, 58671, 59840, 59841, 59850, 59851, 59852, 59855, 59856, 59857, 76817, 81025, 84702, 84703, 86631, 86632, 86901, 87110, 87270, 87320, 87490, 87491, 87590, 87591, 87624, 87625, 87800, 87810, 88141, 88142, 88143, 88147, 88148, 88150, 88152, 88153, 88164, 88165, 88166, 88167, 88174, 88175, 96372, 99071, 99201, 99202, 99203, 99204, 99211, 99212, 99213, 99214, 99384, 99385, 99386, 99394, 99395, 99396, 99401, and S0199. The authority may use a substitute code if any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Increase the family planning rates for services that are included on and reimbursed solely at the existing family planning

fee schedule on a fee-for-service basis, as well as through managed care plans, by at least 162 percent above family planning fee schedule rates in effect on January 1, 2021;

(b) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2021; and

(c) Not duplicate rate increases provided in subsections (34) and (35) of this section.

(37)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

(38)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall not modify the reconciliation process or the APM4 program with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(d) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(f) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(39) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(40) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(41) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—federal appropriation are provided solely for evaluation of the Washington rural health access preservation pilot program.

(42) \$160,000 of the general fund—state appropriation for fiscal year 2022 and \$1,440,000 of the general fund—federal appropriation are provided solely for health care interoperability costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(43) \$275,000 of the general fund—state appropriation for fiscal year 2022, \$160,000 of the general fund—state appropriation for fiscal year 2023, and \$3,913,000 of the general

fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(44) \$484,000 of the general fund—state appropriation for fiscal year 2022 and \$466,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5399 (universal health care commission). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(45) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$655,000 of the general fund—state appropriation for fiscal year 2023, and \$2,154,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(46) \$1,715,000 of the general fund—state appropriation for fiscal year 2022, \$1,804,000 of the general fund—state appropriation for fiscal year 2023, and \$6,647,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014;

(d) Be owned and operated by the state or a political subdivision; and

(e) Accept single bed certification patients pursuant to RCW 71.05.745.

(47) \$100,000 of the general fund—state appropriation for fiscal year 2022, \$100,000 of the general fund—state appropriation for fiscal year 2023, and \$200,000 of the general fund—federal appropriation are provided solely for pass through funding for a citizens of the compact of free association (COFA) community member led organization through a Washington state based organization contract as outlined in RCW 43.71A.030 to provide additional supports to COFA community members statewide who are seeking access to health coverage and health care services. The amounts provided in this subsection for fiscal year 2022 must be distributed no later than October 1, 2021. The amounts provided in this subsection for fiscal year 2023 must be distributed no later than October 1, 2022.

(48) The authority shall collaborate with the Washington state LGBTQ commission, the department of health, advocates for people living with HIV in Washington, consumers, and medical professionals with expertise in serving the medicaid population living with HIV, to consider and develop recommendations regarding:

(a) Access to HIV antiretroviral drugs on the medicaid drug formulary, including short- and long-term fiscal implications of eliminating current prior authorization and fail-first requirements;

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(b) Impact of drug access on public health and the statewide goal of reducing HIV transmissions; and

(c) Maximizing pharmaceutical drug rebates for HIV antiretroviral drugs.

(49) \$22,000 of the general fund—state appropriation for fiscal year 2022, \$22,000 of the general fund—state appropriation for fiscal year 2023, and \$134,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5157 (behavioral disorders/justice). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(50) Within the amounts appropriated in this section, the authority shall extend the oral health connections pilot project in Spokane, Thurston, and Cowlitz counties. The authority shall continue to work in collaboration with a state-based oral health foundation to jointly develop and implement the program. The purpose of the pilot is to test the effect that enhanced dental benefits for medicaid clients with diabetes and pregnant clients have on access to dental care, health outcomes, and medical care costs. The pilot program must continue to include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. The authority has the option of extending pilot program eligibility to dually eligible medicaid clients who are diabetic or pregnant and to pregnant medicaid clients under the age of 20. The authority has the option of adjusting the pilot program benefit design and fee schedule based on previous findings, within amounts appropriated in this section. Diabetic or pregnant medicaid clients who are receiving dental care within the pilot regions, regardless of location of the service within the pilot regions, are eligible for the increased number of periodontal treatments. The state-based oral health foundation shall continue to partner with the authority and provide wraparound services to link patients to care. The authority and foundation shall provide a joint report to the appropriate committees of the legislature on October 1, 2021, outlining the findings of the original three-year pilot program, and on December 1, 2022, outlining the progress of the extended pilot program.

(51) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement chapter 293, Laws of 2020 (baby, child dentistry access). By November 15, 2021, the authority shall submit a report to the appropriate committees to the legislature describing its progress implementing chapter 293, Laws of 2020 (baby, child dentistry access) and chapter 242, Laws of 2020 (access to baby and child dentistry for children with disabilities).

(52) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—federal appropriation are provided solely for contracting by the health care authority to further the development and implementation of its Washington primary care transformation initiative, intended to increase team-based primary care and the percentage of overall health care spending in the state devoted to primary care. By October 1, 2021, the authority must update the legislature on the status of the initiative, including any fiscal impacts of this initiative, potential implementation barriers, and needed legislation.

(53) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

(54) \$149,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(55) Within the amount appropriated within this section, the authority shall implement the requirements of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

(56) \$10,695,000 of the general fund—state appropriation for fiscal year 2022, \$10,695,000 of the general fund—state appropriation for fiscal year 2023, and \$54,656,000 of the general fund—federal appropriation are provided solely to maintain and increase access for adult dental services for medicaid enrolled patients through increased provider rates beginning July 1, 2021. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for adult dental services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis up to 100 percent above medical assistance rates in effect on January 1, 2019.

(57) \$551,000 of the general fund—state appropriation for fiscal year 2022, \$770,000 of the general fund—state appropriation for fiscal year 2023, and \$3,288,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(58) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in the LEAP omnibus document HCBS-2021.

(59) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2022.

(60)(a) \$35,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the authority to distribute grants for the provision of health care services for uninsured and underinsured individuals, regardless of

immigration status. Grants provided under this subsection must be used for the direct care of uninsured and underinsured individuals under 200 percent of the federal poverty level, including on-site care as well as referrals to and payment for services provided off-site, for:

(i) The testing, assessment, or treatment of the severe acute respiratory syndrome coronavirus 2 (COVID-19), including facility and provider fees;

(ii) Primary and preventive care;

(iii) Behavioral health services;

(iv) Oral health care;

(v) Assessment, treatment, and management of acute or chronic conditions, including but not limited to the cost of laboratory, prescription medications, specialty care, therapies, radiology, and other diagnostics; and

(vi) Outreach and education needed to inform patients and prospective patients that care is available free of charge.

(b) To be eligible for a grant under this subsection, a federally qualified health center, rural health clinic, free clinic, public hospital district, behavioral health provider or facility, behavioral health administrative service organization, or community-based organization must apply for a grant and agree to not:

(i) Bill individuals for any portion of the services provided that involve the use of amounts appropriated in this section; or

(ii) Use the amounts provided in this subsection for services for which other funds are available, such as federal funds from the families first coronavirus response act and the American rescue plan act.

(c) Grants provided under this subsection may be used to provide on-site care, care delivered via telehealth, and referrals to and payments for services provided off-site. Recipients may use funds distributed in this subsection to reimburse other providers or facilities for the cost of care. Only free clinics may use grants provided under this subsection to cover general operating costs, including staffing, supplies, and equipment purchases.

(d) The agency shall employ fund allocation approaches that engage community residents, organizations, and leaders in identifying priorities and implementing projects and initiatives that reflect community values and priorities. At a minimum, this must include consultation with community health boards and organizations that advocate for access to health care for uninsured state residents.

(e) Recipients of the amounts provided in this subsection must submit reports to the authority on the use of grant funds, including data about utilization of services. The authority shall prepare and post on its website an annual report detailing the amount of funds disbursed and aggregating information submitted by recipients.

(f) The authority may retain no more than three percent of the amounts provided in this subsection for administrative costs.

(g) As used in this subsection, "free clinics" mean private, nonprofit, community, or faith-based organizations that provide medical, dental, and mental health services at little or no cost to uninsured and underinsured people through the use of volunteer health professionals, community volunteers, and partnerships with other health providers.

(61) \$123,000 of the general fund—state appropriation for fiscal year 2022, \$46,000 of the general fund—state appropriation for fiscal year 2023, and \$743,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1348 (incarcerated persons/medical). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(62) \$1,350,000 of the general fund—state appropriation for fiscal year 2023 and \$2,570,000 of the general fund—federal appropriation are provided solely for the implementation of House Bill No. 1096 (nonmedicare plans). If the bill is not

enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(63) Within the amounts provided in this section, sufficient funding is provided for the authority to implement Second Substitute House Bill No. 1325 (behavioral health/youth).

(64) \$184,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(65) \$232,000 of the general fund—state appropriation for fiscal year 2022, \$300,000 of the general fund—state appropriation for fiscal year 2023, and \$599,000 of the general fund—federal appropriation are provided solely for reimbursement for a social worker as part of the medical assistance home health benefit.

(66) \$1,303,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5203 (generic prescription drugs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(67) \$18,669,000 from the Indian health improvement reinvestment account is provided solely for Indian health improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

(68) \$434,000 of the general fund—state appropriation for fiscal year 2022 and \$489,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to partner with the department of social and health services to create surge capacity in acute care hospitals by supporting non-citizens who are both in acute care hospitals awaiting discharge and on the department of social and health services waitlist for services. The amounts provided in this subsection are for the authority to cover the cost of medical assistance for 20 new non-citizen clients.

(69) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing medical and psychiatric respite care benefits for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. Amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

(70) \$281,000 of the general fund—state appropriation for fiscal year 2022, \$192,000 of the general fund—state appropriation for fiscal year 2023, and \$803,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(71) The authority shall assess the feasibility and fiscal impacts of an 1115 medicaid waiver to extend continuous eligibility for apple health covered children ages zero through five as a component of school readiness. The authority may seek support for the analysis. Prior to submitting the waiver application, the authority shall provide a status update no later than September 30, 2021, to the governor and fiscal committees of the legislature.

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NEW SECTION. Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM

State Health Care Authority Administrative Account—	
State Appropriation.....	\$37,403,000
TOTAL APPROPRIATION.....	\$37,403,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during the 2023-2025 fiscal biennium and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in PEBB benefits.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees' benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum the report must include an estimate of the employer cost and a description of the assumptions used.

(6) \$285,000 of the state health care authority administrative account—state appropriation is provided solely for a customer service scheduling tool, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative Account—	
State Appropriation.....	\$25,771,000
TOTAL APPROPRIATION.....	\$25,771,000

The appropriation in this section is subject to the following conditions and limitations: \$15,000 of the school employees' insurance administrative account—state appropriation is provided solely for a customer service scheduling tool, and is

subject to the conditions, limitations, and review requirements of section 701 of this act.

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2022)	\$4,831,000
General Fund—State Appropriation (FY 2023)	\$4,543,000
General Fund—Federal Appropriation.....	\$83,017,000
Health Benefit Exchange Account—State Appropriation	\$77,710,000
Health Care Affordability Account—State Appropriation	\$50,000,000
TOTAL APPROPRIATION	\$220,101,000

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation, one-half the health benefit exchange account—state appropriation, and one-half the health care affordability account—state appropriation to the exchange. By July 15, 2021, the authority shall make the payments of the general fund—federal appropriation (CRRSA) and the general fund—federal appropriation (ARPA) to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3)(a) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$554,000 of the general fund—federal appropriation are provided solely for the exchange, in close consultation with the health and human services enterprise coalition (coalition), to develop a report on the next steps required for information technology solutions for an integrated health and human services eligibility solution. The report must include, but is not limited to a:

- (i) Technical approach and architecture;
- (ii) Roadmap and implementation plan for modernizing and integrating the information technology eligibility and enrollment system for including, but not limited to, medicaid, basic food, child care assistance, cash assistance, and other health and human service program benefits, beginning with classic medicaid; and
- (iii) Discussion of how an integrated health and human services solution would:

- (A) Comply with federal requirements;
- (B) Maximize efficient use of staff time;
- (C) Support accurate and secure client eligibility information;
- (D) Improve the client enrollment experience; and
- (E) Provide other notable coalition agency impacts.

(b) The exchange, in coordination with the coalition, must submit the report to the governor and appropriate committees of the legislature by January 15, 2022.

(4) \$1,634,000 of the health benefit exchange account—state appropriation and \$592,000 of the general fund—federal appropriation are provided solely for healthplanfinder enhancement activities. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$1,324,000 of the health benefit exchange account—state appropriation and \$2,740,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$250,000 of the general fund—federal appropriation (CRRSA) and \$150,000 of the general fund—federal appropriation (ARPA) are provided solely for pass-through funding to one or more lead navigator organizations to promote access to health services through outreach and insurance plan enrollment assistance for employees working in a licensed child care facility.

(7)(a) \$25,171,000 of the general fund—federal appropriation (CRRSA) and \$5,095,000 of the general fund—federal appropriation (ARPA) are provided solely for the exchange to implement a health care insurance premium assistance program for employees who work in licensed child care facilities. The general fund—federal appropriation (CRRSA) must be expended by September 30, 2022.

(b) An individual is eligible for the child care premium assistance program for the remainder of the plan year if the individual:

- (i) Is an employee working in a licensed child care facility;
- (ii) Enrolls in a silver standardized health plan under RCW 43.71.095;
- (iii) Prior to January 1, 2023, has income that is less than 300 percent of the federal poverty level;
- (iv) Applies for and accepts all federal advance premium tax credits for which he or she may be eligible before receiving any state premium assistance;
- (v) Is ineligible for minimum essential coverage through medicare, a federal or state medical assistance program administered by the health care authority under chapter 74.09 RCW, or for premium assistance under RCW 43.71A.020; and
- (vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts provided in this subsection, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

- (i) No longer meets the eligibility criteria in (b) of this subsection;
- (ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;
- (iii) Fails, without good cause, to notify the exchange of a change of address in a timely manner;
- (iv) Voluntarily withdraws from the program; or
- (v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this section, including participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(f) The program must be implemented no later than November 1, 2021.

(g) No later than October 1, 2022, the exchange shall submit a report to the governor and appropriate committees of the legislature on the implementation of the child care premium assistance program including, but not limited to:

- (i) The number of individuals participating in the program to date; and
- (ii) The actual costs of the program to date, including agency administrative costs.

(8) \$136,000 of the general fund—state appropriation for fiscal year 2022, \$136,000 of the general fund—state appropriation for fiscal year 2023, \$254,000 of the health benefit exchange account—state appropriation, and \$274,000 of the general fund—federal appropriation are provided solely for pass through funding in the annual amount of \$100,000 for the lead navigator organization in the four regions with the highest concentration of COFA citizens to:

- (a) Support a staff position for someone from the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and
- (b) Support COFA community led outreach and enrollment activities that help COFA citizens obtain and access health and dental coverage.

(9) \$142,000 of the general fund—state appropriation for fiscal year 2022 and \$538,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5068 (postpartum period/medicaid) and section 9812 of the American rescue plan act of 2021.

(10) \$8,012,000 of the health benefit exchange account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) \$50,000,000 of the health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans), and this is the maximum amount the exchange may expend for this purpose. An individual is eligible for the premium assistance provided if the individual: (a) Has income up to 250 percent of the federal poverty level; and (b) meets other eligibility criteria as established in section 1(4)(a) of Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans).

(12)(a) Within amounts appropriated in this section, the exchange, in close consultation with the authority and the office of the insurance commissioner, shall explore opportunities to facilitate enrollment of Washington residents who do not qualify for non-emergency medicaid or federal affordability programs in a state-funded program no later than plan year 2024.

(b) If an opportunity to apply to the secretary of health and human services under 42 U.S.C. Sec. 18052 for a waiver is identified or other federal flexibilities are available, the exchange, in collaboration with the office of the insurance commissioner and the authority may develop an application to be submitted by the authority. If an application is submitted, the authority must notify the chairs and ranking minority members of the appropriate policy and fiscal committees of the legislature.

(c) Any application submitted under this subsection must meet all federal public notice and comment requirements under 42 U.S.C. Sec. 18052(a)(4)(B), including public hearings to ensure a meaningful level of public input.

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NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund—State Appropriation (FY 2022)..	\$667,948,000
General Fund—State Appropriation (FY 2023)..	\$733,456,000
General Fund—Federal Appropriation	\$2,593,457,000
General Fund—Private/Local Appropriation.....	\$37,325,000
Criminal Justice Treatment Account—State Appropriation.....	\$21,988,000
Problem Gambling Account—State Appropriation	\$1,963,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$28,493,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$28,493,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$31,000,000
TOTAL APPROPRIATION.....	\$4,144,123,000

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$22,643,000 of the general fund—state appropriation for fiscal year 2022, \$27,143,000 of the general fund—state appropriation for fiscal year 2023, and \$9,073,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,424,000 of the general fund—state appropriation for fiscal year 2022, \$10,424,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may

allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (6) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(6) \$95,066,000 of the general fund—state appropriation for fiscal year 2022 and \$95,066,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$72,275,000 of the general fund—state appropriation for fiscal year 2022 and \$72,275,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a two percent rate increase to providers receiving state funds for nonmedicaid services under this section effective July 1, 2021.

(b) \$22,791,000 of the general fund—state appropriation for fiscal year 2022 and \$22,791,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program and for the state share of costs for exceptional medicaid behavioral health personal care services. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a two percent rate increase to providers receiving state funding for nonmedicaid services under this section effective July 1, 2021.

(ii) The authority shall assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.

(c) The authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The waiver shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit. By December 1, 2021, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and

the appropriate committees of the legislature which provides the following:

(i) A description of the new benefit design developed for the waiver, including a description of the services to be provided and the responsibility for payment under the waiver;

(ii) Estimates of the number of individuals to be served annually under the new waiver and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services;

(iii) A comparison estimate of the number of individuals to receive behavioral health personal care services annually under the current benefit structure and the estimated state and federal fiscal costs for the managed care organizations and the department of social and health services; and

(iv) A status update on the development and submission of the waiver with an estimated timeline for approval and implementation of the new wraparound services benefit.

(7) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(8) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(9) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (6) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(10) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(11) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(12) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and

approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(13) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(14) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(15) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(16) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(17) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the

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distribution of criminal justice treatment account funds by September 30, 2021.

(18) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain crisis triage or stabilization centers that were originally funded in the 2017-2019 fiscal biennium. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(19) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(20) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was initially funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care. The medicaid funding is intended to maintain increased rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require the managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must identify mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December 1st of each year of the biennium, summarizing the information regarding the distribution of the funding provided under this subsection.

(21) \$1,401,000 of the general fund—state appropriation for fiscal year 2022, \$1,401,000 of the general fund—state appropriation for fiscal year 2023, and \$3,210,000 of the general

fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(22)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(23)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for

individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,942,000 of the general fund—federal appropriation are provided solely for the authority to maintain an increase in the number of residential beds for pregnant and parenting women originally funded in the 2019-2021 fiscal biennium.

(26) \$1,423,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) \$350,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) \$500,000 of the general fund—state appropriation for fiscal year 2022, \$500,000 of the general fund—state appropriation for fiscal year 2023, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to chapter 378, Laws of 2019 (2SHB 1767).

(29) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service by December 1, 2022.

(30) \$947,000 of the general fund—state appropriation for fiscal year 2022, \$947,000 of the general fund—state appropriation for fiscal year 2023, and \$1,896,000 of the general fund—federal appropriation are provided solely for the authority to implement a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with chapter 360, Laws of 2019 (2SSB 5903).

(31) \$708,000 of the general fund—state appropriation for fiscal year 2022, \$708,000 of the general fund—state appropriation for fiscal year 2023, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general

fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(33) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(34) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(35) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2022.

(36) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(37) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(38) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be

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limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(39) \$3,377,000 of the general fund—state appropriation for fiscal year 2022 and \$5,177,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

(40)(a) \$100,000 of the general fund—federal appropriation is provided solely for the authority to convene a task force to examine impacts and changes proposed to the use of criminal background checks in employment in behavioral health settings,

with the goal of reducing barriers to developing and retaining a robust behavioral health workforce, while maintaining patient safety measures. The task force membership must include representatives from:

(i) The office of the attorney general;

(ii) The department of health;

(iii) The department of social and health services;

(iv) The office of the governor; and

(v) Others appointed by the authority, including behavioral health employers and those with lived experience.

(b) The task force shall consider any relevant information and recommendations made available by the work group created under Substitute House Bill No. 1411 (health care workforce).

(c) By December 1, 2021, the authority must submit a report of the task force's recommendations to the governor and the appropriate committees of the legislature.

(41) \$6,042,000 of the general fund—state appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$35,415,000 of the general fund—federal appropriation (CRSSA) are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$11,170,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$9,070,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,407,000 of the general fund state—appropriation for fiscal year 2022, \$561,000 of the general fund—state appropriation for fiscal year 2023, and \$3,245,000 of the general fund—federal appropriation (CRSSA) are provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$1,535,000 of the general fund—state appropriation for fiscal year 2022 and \$10,417,000 of the general fund—federal appropriation (CRSSA) are provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills

training, peer support, peer drop-in centers, and other community supports.

(d) \$1,100,000 of the general fund—state appropriation for fiscal year 2022 and \$1,750,000 of the general fund—federal appropriation (CRSSA) are provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations, tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a public awareness campaign to educate youth and young adults with opioid use disorders about harm reduction, secondary prevention, overdose awareness, fentanyl, and naloxone.

(f) \$7,083,000 of the general fund—federal appropriation (CRSSA) is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection (41).

(42) \$3,109,000 of the general fund—state appropriation for fiscal year 2022 and \$3,109,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. By December 1, 2021, and December 1, 2022, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(43) Within the amounts provided in this section, sufficient funding is provided for the authority to implement requirements to provide up to five sessions of intake and assessment pursuant to Second Substitute House Bill No. 1325 (behavioral health/youth).

(44) \$19,000,000 of the general fund—federal appropriation (CRSSA) and \$1,600,000 of the general fund—federal appropriation (ARPA) are provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$7,303,000 of the general fund—federal appropriation (CRSSA) is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$6,150,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$6,344,000 of the general fund—federal appropriation (CRSSA) is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$961,000 of the general fund—federal appropriation (CRSSA) is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,346,000 of the general fund—federal appropriation (CRSSA) is provided solely to enhance crisis services and may be used for crisis respite care.

(e) \$2,307,000 of the general fund—federal appropriation (CRSSA) is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$961,000 of the general fund—federal appropriation (CRSSA) may be used for the authority's administrative costs associated with services funded in this subsection.

(45) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, which identifies any activities the authority has implemented or identified to shift state costs to the unused federal funds and an analysis of the fiscal impacts for these activities and options.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to implement one-time behavioral health workforce pilot programs and training support grants pursuant to Engrossed Second Substitute House Bill No. 1504 (workforce education development act). Of these amounts, \$440,000 of the general fund—state appropriation for fiscal year 2022 and \$440,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the three behavioral health workforce pilot programs and \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for training support grants. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(47) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the allocation of the fiscal year 2021 funding within this subsection. The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, on the allocation of the fiscal year 2022 funding and the expenditures and number of individuals served in fiscal year 2021 by location.

(48) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(49) \$1,800,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis

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with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. The behavioral health institute shall develop and disseminate model programs and curricula to address the treatment needs of individuals with substance use disorders and cooccurring disorders. The behavioral health institute shall provide consultation and training to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. Training for providers may include technical assistance related to payment models, integration of peers, team-based care, utilization reviews, care transitions, and the infusion of recovery and resiliency into programming and culture. Additionally, the behavioral health institute shall provide continued access to telehealth training and support, including innovative digital health content. The behavioral health institute shall evaluate behavioral health inequities in Washington and create a center of excellence to address behavioral health inequity, including the need for a more diverse workforce. The behavioral health institute shall offer an annual conference on race, equity, and social justice and create a learning management system to provide access to training for publicly funded behavioral health providers across a range of topics. Specific curricula to be developed within the amounts provided in this subsection must include:

(a) A training for law enforcement officers focused on understanding substance use disorder and the recovery process and options and procedures for diversion from the criminal legal system for individuals with substance use disorder, to be developed in consultation with the criminal justice training commission; and

(b) A curriculum for correctional officers and community corrections officers focused on motivational interviewing, recovery coaching, and trauma informed care, developed in consultation with the department of corrections.

(50) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the north sound behavioral health administrative services organization to provide trauma-informed counseling services to children and youth in Whatcom county schools. The services must be provided by licensed behavioral health professionals who have training in the provision of trauma-informed care. The behavioral health administrative services organization must request, from the office of the superintendent of public instruction, a listing of the Whatcom county schools that are eligible for high-poverty allocations from the learning assistance program and prioritize services in these schools.

(51) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided on a one-time basis solely for the authority to contract with the north sound behavioral health administrative services organization to establish the Whatcom county crisis stabilization center as a pilot project for diversion from the criminal justice system to appropriate community based treatment. The pilot shall allow for police officers to place involuntary holds for up to 12 hours for persons placed at the facility in accordance with RCW 10.31.110. The amounts provided must be used to pay for the cost of services at the site not covered under the medicaid program. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, including the following information:

(a) The total number of individuals served in the crisis stabilization center broken out by those served on a voluntary

basis versus those served under involuntary treatment holds placed pursuant to RCW 10.31.110;

(b) A summary of the outcomes for each of the groups identified in (a) of this subsection; and

(c) Identification of methods to incentivize or require managed care organizations to implement payment models for crisis stabilization providers that recognize the need for the facilities to operate at full staffing regardless of fluctuations in daily census.

(52) \$1,250,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the King county behavioral health administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2021, on the status of these efforts and the associated savings in state funds.

(53) \$1,762,000 of the general fund—federal appropriation is provided on a one-time basis solely for maintaining and increasing resources for peer support programs and for the authority to contract with an organization to assist with the recruitment of individuals to work as behavioral health peers with a specific focus on black, indigenous, and people of color communities. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2021, and a final report including identification of the number and demographics of individuals recruited into behavioral health peer positions by December 1, 2022.

(54) \$250,000 of the general fund—federal appropriation is provided solely for the authority to provide crisis response training to behavioral health peer specialists. The authority must use these amounts to contract for the development of a specialized 40 hour crisis response training curriculum for behavioral health peer specialists and to conduct a minimum of one statewide training session during fiscal year 2022 and one statewide training session during fiscal year 2023. The training shall focus on preparing behavioral health peer specialists to work with individuals in crisis, including providing peer services in emergency departments, as corresponders with law enforcement, and as part of mobile crisis teams. The training sessions must be offered free of charge to the participants and may be offered either virtually or in person as determined by the authority. By December 1, 2022, the authority must submit a report to the office of financial management and the appropriate committees of the legislature on the peer crisis response curriculum and the number of individuals that received training.

(55) \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington alcohol and drug abuse institute to develop policy solutions in response to the public health challenges of high tetrahydrocannabinol potency cannabis. The institute must use this funding to: Conduct individual interviews with stakeholders and experts representing different perspectives, facilitate joint meetings with stakeholders to identify areas of common ground and consensus, and develop recommendations for state policies related to cannabis potency and mitigating detrimental health impacts. The authority must

submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) An initial report must be submitted by December 31, 2021, and shall summarize progress made to date, preliminary policy recommendations, and next steps; and

(b) A final report must be submitted by December 31, 2022, and shall summarize the analysis conducted by the institute, the process and stakeholders involved, an inventory of relevant cannabis policies in other states, and recommendations for policy changes to reduce the negative impacts of high potency cannabis in Washington state.

(56) \$8,197,000 of the general fund—state appropriation for fiscal year 2022, \$8,819,000 of the general fund—state appropriation for fiscal year 2023, and \$38,025,000 of the general fund—federal appropriation are provided solely to continue in the 2021-2023 fiscal biennium the two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations that was provided in April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers receiving payment for services under this section contracted through the medicaid managed care organizations.

(57) \$114,000 of the general fund—state appropriation for fiscal year 2022, \$114,000 of the general fund—state appropriation for fiscal year 2023, and \$228,000 of the general fund—federal appropriation are provided solely to increase rates for community children's long-term inpatient program providers by two percent effective July 1, 2021.

(58) \$117,000 of the general fund—state appropriation for fiscal year 2022, \$117,000 of the general fund—state appropriation for fiscal year 2023, and \$168,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by two percent effective July 1, 2021.

(59) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—federal appropriation are provided solely to support actuarial work required for the authority to develop behavioral health comparison rates.

(60) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with the Washington state behavioral health institute to engage consumers, the University of Washington evidence based practice institute, and other stakeholders to review current and emerging data and research and make recommendations regarding best practices for virtual behavioral health services to children from prenatal stages through age 25. This work shall focus on the development of services and supports that deliver clinically-effective outcomes for children and families and identify safeguards for "in-person," "audio-video," and "audio only" modes. The review conducted by the institute shall include the collection and analysis of data about clinical efficacy of behavioral health services and supports through virtual modes and methods for determining and maximizing the health benefits of the different modes. The authority shall submit data required for this research to the behavioral health institute in accordance with federal and state laws regarding client protected information. The department shall

submit the following reports to the office of financial management and the appropriate committees of the legislature:

(a) A preliminary report on the 2022 workplan by December 31, 2021;

(b) An initial report with recommendations for standards of care and best practices for behavioral health services by June 30, 2022; and

(c) A final report with additional refined recommendations and a research agenda and proposed budget for fiscal year 2024 and beyond by December 31, 2022.

(61) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(62) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. Beginning in July 2022, the authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers).

(63) \$5,000,000 of the general fund—federal appropriation is provided solely for the authority to maintain funding for grants to law enforcement assisted diversion programs outside of King county established pursuant to chapter 314, Laws of 2019 (SSB 5380). By December 1, 2023, the authority, in coordination with the law enforcement assisted diversion national support bureau, must collect information and submit a report to the office of financial management and the appropriate committees of the legislature on the grant program including a description of the program model or models used and the number, demographic information, and measurable outcomes of the individuals served with the funding provided under this subsection.

(64) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(65) \$13,374,000 of the general fund—state appropriation for fiscal year 2022, \$12,474,000 of the general fund—state appropriation for fiscal year 2023, and \$12,731,000 of the general fund—federal appropriation are provided solely for increasing local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that a minimum of six new children and youth mobile crisis teams are created and that there is one children and youth mobile crisis team in each region by the end of fiscal year 2022.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

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(66) \$42,987,000 of the general fund—state appropriation for fiscal year 2022, \$57,253,000 of the general fund—state appropriation for fiscal year 2023, and \$80,040,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2022 and fiscal year 2023 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or
 (ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all

freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall increase the fiscal year 2021 rate by three percent each year of the biennium.

(f) Beginning in fiscal year 2023, provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

(g) The legislature intends to recognize the additional costs associated with student teaching related to long-term civil commitment patients to be provided in a new teaching hospital expected to open during the 2023-2025 fiscal biennium.

(h) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must develop and implement a plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2021, and submit a status update on the implementation plan by October 15, 2022.

(67)(a) \$31,000,000 of the general fund—federal appropriation (CSFRF) is provided on a one-time basis solely for the authority to provide assistance payments to behavioral health providers serving medicaid and state-funded clients. In prioritizing the allocation of this funding, the authority must take the following into account:

(i) The differential impact the pandemic has had on different types of providers;

(ii) Other state and federal relief funds providers have received or are eligible to apply for; and

(iii) Equitable distribution of assistance including consideration of geographic location and providers serving members of historically disadvantaged communities.

(b) To be eligible for assistance, the behavioral health providers must:

(i) Have experienced lost revenue or increased expenses that are a result of the COVID-19 public health emergency;

(ii) Self-attest that the lost revenue or expenses are not funded by any other government or private entity;

(iii) Agree to operate in accordance with the requirements of applicable federal, state, and local public health guidance and directives; and

(iv) Agree to comply with federal guidance on the use of coronavirus state and local fiscal recovery funds.

(c) Provider assistance is subject to the availability of amounts provided in this subsection.

(68)(a) \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$375,000 of the general fund—state appropriation for fiscal year 2022 are provided solely for a one-time grant to Island county to fund a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health

programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit the following reports to the legislature:

(i) By December 1, 2022, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2022; and

(ii) By December 1, 2023, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2023.

(69) State general fund appropriations in this section and in sections 219 and 221 of this act are made to address the harms caused to the state and its citizens by the opioid epidemic, and these include appropriations of \$13,466,000 attributable to the settlement in *State v. McKinsey & Co., Inc.*

(70) \$260,000 of the general fund—state appropriation for fiscal year 2022, \$3,028,000 of the general fund—state appropriation for fiscal year 2023, and \$3,028,000 of the general fund—federal appropriation are provided solely for the authority to contract for a twelve bed children's long-term inpatient program facility specializing in the provision of habilitative mental health services for children and youth with intellectual or developmental disabilities who have intensive behavioral health support needs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature providing data on the demand and utilization of this facility by June 30, 2023.

(71) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to continue the University of Washington's project extension for community health care outcomes (ECHO) for:

(a) Telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disabilities and behavioral issues; and

(b) Training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disabilities and behavioral health needs.

(72) No more than \$1,535,000 of the general fund—federal appropriation and \$810,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients

as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(73) \$396,000 of the general fund—state appropriation for fiscal year 2022, \$329,000 of the general fund—state appropriation for fiscal year 2023, and \$3,153,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(74)(a) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to convene a work group to develop a recommended teaching clinic enhancement rate for behavioral health agencies training and supervising students and those seeking their certification or license. This work should include: Developing standards for classifying a behavioral health agency as a teaching clinic; a cost methodology to determine a teaching clinic enhancement rate; and a timeline for implementation. The work group must include representatives from:

(i) The department of health;

(ii) The office of the governor;

(iii) The Washington workforce training and education board;

(iv) The Washington council for behavioral health;

(v) Licensed and certified behavioral health agencies; and

(vi) Higher education institutions.

(b) By October 15, 2021, the health care authority must submit a report of the work group's recommendations to the governor and the appropriate committees of the legislature.

(75) \$343,000 of the general fund—state appropriation for fiscal year 2022, \$344,000 of the general fund—state appropriation for fiscal year 2023, and \$687,000 of the general fund—federal appropriation are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

(76) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and increasing the capabilities of a tool to track medication assisted treatment provider capacity.

(77) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support substance use disorder family navigators across the state.

(78) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support recovery cafes across the state.

(79) \$69,000 of the general fund—state appropriation for fiscal year 2022, \$63,000 of the general fund—state appropriation for fiscal year 2023, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil

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commitment transition). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(80) \$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

(81) \$71,000 of the general fund—state appropriation for fiscal year 2022, \$66,000 of the general fund—state appropriation for fiscal year 2023, and \$136,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(82) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the authority to evaluate options for a medicaid waiver to provide respite care for youth with behavioral health challenges while avoiding adverse impacts with respite waivers at the department of social and health services developmental disabilities administration and the department of children, youth, and families.

(83) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(84) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the city of Arlington in partnership with the North County regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

(85) \$26,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$48,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1196 (audio only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(86) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5073 (involuntary commitment). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(87) \$2,834,000 of the general fund—state appropriation for fiscal year 2023 and \$1,813,000 of the general fund—federal appropriation are provided solely for the authority to contract for two distinct 16 bed programs in a facility located in Clark county

to provide long-term inpatient care beds as defined in RCW 71.24.025. The beds must be used to provide treatment services for individuals who have been involuntarily committed to long-term inpatient treatment pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The authority, in coordination with the department of social and health services, must develop and implement a protocol to assess the risk of patients being considered for placement in this facility and determine whether the level of security and treatment services is appropriate to meet the patient's needs. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2022, providing a description of the protocol and a status update on progress toward opening the new facility.

NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2022)	\$2,946,000
General Fund—State Appropriation (FY 2023)	\$2,966,000
General Fund—Federal Appropriation.....	\$2,572,000
TOTAL APPROPRIATION	\$8,484,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5027 (television closed captions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State	
Appropriation	\$10,000
Accident Account—State Appropriation.....	\$24,093,000
Medical Aid Account—State Appropriation	\$24,090,000
TOTAL APPROPRIATION	\$48,193,000

The appropriations in this section are subject to the following conditions and limitations: \$12,000 of the accident account—state appropriation and \$10,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (worker safety pandemic response). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2022)	\$34,677,000
General Fund—State Appropriation (FY 2023)	\$34,509,000
General Fund—Private/Local Appropriation	\$5,961,000
Death Investigations Account—State Appropriation	\$1,216,000
Municipal Criminal Justice Assistance Account—State	
Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation	\$7,167,000
24/7 Sobriety Account—State Appropriation.....	\$20,000
TOTAL APPROPRIATION	\$84,010,000

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$1,504,000 of the general fund—state appropriation for fiscal year 2022 and \$1,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75

percent of the costs of providing five additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$429,000 of the general fund—state appropriation for fiscal year 2022 and \$429,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2022 and \$899,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,216,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2022, \$26,000 of the general fund—state appropriation for fiscal year 2023, and \$12,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement chapter 378, Laws of 2019 (alternatives to arrest/jail).

(b) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for evaluation of grant-funded programs under chapter 378, Laws of 2019 (alternatives to arrest/jail).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault

kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

(a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

(12) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(13) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(14) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(15) \$1,883,000 of the general fund—state appropriation for fiscal year 2022 and \$1,986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5051 (peace officer oversight). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) \$474,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5066 (officer duty to intervene). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) \$151,000 of the general fund—state appropriation for fiscal year 2022 and \$148,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the participation of the Washington association of sheriffs and police chiefs in the joint legislative task force on jail standards created in section 957 of this act.

(18) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$296,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

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implementation of Engrossed Substitute House Bill No. 1267 (office of independent investigations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) \$31,000 of the general fund—state appropriation for fiscal year 2022 and \$31,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1088 (impeachment disclosures). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(20) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of House Bill No. 1001 (law enforcement professional development). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) \$40,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(23) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1109 (victims of sexual assault). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS

General Fund—State Appropriation (FY 2022).....	\$7,063,000
General Fund—State Appropriation (FY 2023)....	\$12,657,000
TOTAL APPROPRIATION.....	\$19,720,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the implementation of Engrossed Substitute House Bill No. 1267 (establishing an office of independent investigations), to create an office within the office of the governor for the purposes of investigating deadly force incidents involving peace officers. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2022)....	\$13,752,000
General Fund—State Appropriation (FY 2023)....	\$15,492,000
General Fund—Federal Appropriation	\$11,876,000
Asbestos Account—State Appropriation	\$573,000
Electrical License Account—State Appropriation	\$56,707,000
Farm Labor Contractor Account—State Appropriation	\$28,000
Worker and Community Right to Know Fund—State	
Appropriation.....	\$1,000,000
Construction Registration Inspection Account—State	
Appropriation.....	\$28,947,000
Public Works Administration Account—State	
Appropriation.....	\$9,352,000
Manufactured Home Installation Training Account—	
State Appropriation.....	\$395,000
Accident Account—State Appropriation	\$366,060,000
Accident Account—Federal Appropriation	\$16,047,000

Medical Aid Account—State Appropriation	\$366,663,000
Medical Aid Account—Federal Appropriation	\$3,608,000
Plumbing Certificate Account—State Appropriation	\$3,316,000
Pressure Systems Safety Account—State Appropriation	\$4,582,000
TOTAL APPROPRIATION	\$898,398,000

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

(1) \$8,551,000 of the accident account—state appropriation and \$8,551,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit a report by August 1, 2021, on the quantifiable deliverables accomplished in fiscal years 2020 and 2021 and the amount spent by each deliverable in each of the following subprojects:

- (i) Business readiness;
- (ii) Change readiness;
- (iii) Commercial off the shelf procurement;
- (iv) Customer access;
- (v) Program foundations;
- (vi) Independent assessment; and
- (vii) In total by fiscal year;

(b) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2021, on:

(i) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i) through (vi) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(ii) The contract full time equivalent charged by subprojects identified in (a)(i) through (vi) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i) through (vi) of this subsection, and in total, assumes by fiscal month;

(iii) The performance metrics by subprojects identified in (a)(i) through (vi) of this subsection, and in total, that are currently used, including monthly performance data; and

(iv) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

- (A) Has mitigated each risk; and
- (B) Is working to mitigate each risk, and when it will be mitigated;

(c) Submit the reports in (a) and (b) of this subsection to fiscal and policy committees of the legislature; and

(d) Receive an additional gated project sign off by the office of financial management, effective September 1, 2021. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the reporting data provided each quarter shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health

needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2022 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2021, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,632,000 of the accident account—state appropriation and \$876,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The

compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$2,849,000 of the construction registration inspection account—state appropriation, \$152,000 of the accident account—state appropriation, and \$31,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$4,380,000 of the medical aid account—state appropriation is provided solely for the implementation of the provider credentialing system project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) \$530,000 of the accident account—state appropriation and \$94,000 of the medical aid account—state appropriation are provided solely for the department to conduct infectious disease rule making to ensure the state has general guidelines to follow in the case of an infectious disease outbreak and to provide education and outreach.

(9) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided for the maintenance and operating costs of the isolated worker protection information technology project.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit a report of its findings to the governor and the appropriate committees of the legislature no later than October 1, 2023. The report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, in order to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector, with the following deliverables:

(a) Peer-to-peer training and evaluation of sexual harassment training curriculum; and

(b) The building of a statewide network of peer trainers as farmworker leaders whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to investigate how to make Washington's industrial insurance system easier to access for employers and hiring entities to provide industrial insurance coverage for domestic workers.

(a) Domestic workers include, but are not limited to: Housecleaners, nannies, gardeners, and day laborers, including but not limited to those who may perform maintenance or repair work in or about the private home of the employer or hiring entity.

(b) The work group shall make recommendations to the governor and appropriate legislative committees on legislative, regulatory, or other changes that would make the industrial insurance system easier for day laborers and their employers to access. This work group will also explore the possible role of intermediary nonprofit organizations that assist and refer domestic workers and day laborers.

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(c) The work group shall be comprised of the following representatives, to be appointed by the governor by July 1, 2021:

(i) Two representatives who are directly impacted domestic workers who work for private home employers or hiring entities;

(ii) Two representatives who are directly impacted day laborers who work for private home employers or hiring entities;

(iii) Two representatives from unions, workers' centers, or intermediary nonprofit organizations that assist and/or refer such directly impacted workers;

(iv) Two employer or hiring entity representatives who directly employ or hire single domestic workers in private homes;

(v) One employer or hiring entity representative who directly employs or hires day laborers in a private home;

(vi) One representative from a nonprofit organization that educates and organizes household employers; and

(vii) Representatives from the department, serving in an ex officio capacity.

(d) The department shall convene the work group by August 1, 2021, and shall meet at least once every two months and may meet remotely in order to accommodate the involvement of domestic worker and day laborer representatives.

(e) The work group shall deliver its report and recommendations to the governor and the appropriate committees of the legislature no later than November 4, 2022.

(13) \$237,000 of the accident account—state appropriation and \$184,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5115 (health emergency/labor). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$825,000 of the accident account—state appropriation and \$620,000 of the medical aid account—state appropriation are provided solely for costs associated with the implementation of Engrossed Substitute Senate Bill No. 5172 (agricultural overtime). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) \$760,000 of the general fund—state appropriation for fiscal year 2022 and \$1,393,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5183 (nonfatal strangulation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) \$367,000 of the accident account—state appropriation and \$366,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) \$1,626,000 of the accident account—state appropriation and \$288,000 of the medical aid account—state appropriation are provided solely for the purpose of providing a temporary 7.5 percent increase to the base rate of pay for the compliance field positions in the following job classifications: Safety and health specialist 3, safety and health specialist 4, industrial hygienist 3, and industrial hygienist 4, who are responsible for inspections, investigations, and enforcement related to the COVID-19 pandemic, not including consultation staff within these classifications. The increase shall be effective July 1, 2021, until June 30, 2023. Expenditure of the amount provided for this purpose 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 subsection.

(18) \$298,000 of the accident account—state appropriation and \$53,000 of the medical aid account—state appropriation are

provided solely for the implementation of Engrossed Substitute House Bill No. 1097 (increasing worker protections). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(19) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries, in coordination with the Washington state apprenticeship training council, to establish behavioral health apprenticeship programs. The behavioral health apprenticeship programs shall be administered by the Washington state apprenticeship training council. The amounts provided in this subsection must be used to compensate behavioral health providers for the incurred operating costs associated with the apprenticeship program, including apprentice compensation, staff support and supervision of apprentices, development of on-the-job training catalogs for apprentices, and provider incentives for implementing a behavioral health apprenticeship program. In awarding this funding, special preference must be given to small or rural behavioral health providers and those that serve higher percentages of individuals from black, indigenous, and people of color communities.

(20) \$65,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2022)..... \$3,966,000

General Fund—State Appropriation (FY 2023)..... \$3,791,000

Charitable, Educational, Penal, and Reformatory
 Institutions Account—State Appropriation..... \$10,000
 TOTAL APPROPRIATION..... \$7,767,000
 (3) FIELD SERVICES
 General Fund—State Appropriation (FY 2022)..... \$8,121,000
 General Fund—State Appropriation (FY 2023)..... \$7,878,000
 General Fund—Federal Appropriation..... \$4,412,000
 General Fund—Private/Local Appropriation..... \$4,959,000
 Veteran Estate Management Account—Private/Local
 Appropriation..... \$717,000
 TOTAL APPROPRIATION..... \$26,087,000

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

(a) \$449,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for supporting the statewide plan to reduce suicide among service members, veterans, and their families. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(b) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and intimate partner violence impacts to the behavioral health system and justice system. No later than December 1, 2022, the department must submit to the appropriate fiscal committees of the legislature a report that describes how the funding provided in this subsection was spent, including the numbers of individuals served and the types of services provided.

(c) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two veterans service officers, one located in eastern Washington and one located in western Washington.

(4) INSTITUTIONAL SERVICES
 General Fund—State Appropriation (FY 2022).... \$10,991,000
 General Fund—State Appropriation (FY 2023).... \$12,510,000
 General Fund—Federal Appropriation..... \$108,522,000
 General Fund—Private/Local Appropriation..... \$21,794,000
 TOTAL APPROPRIATION..... \$153,817,000

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

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2021-2023 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) \$234,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) CEMETERY SERVICES
 General Fund—State Appropriation (FY 2022)..... \$85,000
 General Fund—State Appropriation (FY 2023)..... \$101,000
 General Fund—Federal Appropriation..... \$710,000
 TOTAL APPROPRIATION..... \$896,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2022) \$99,870,000
 General Fund—State Appropriation (FY 2023) \$96,638,000
 General Fund—Federal Appropriation..... \$569,921,000
 General Fund—Private/Local Appropriation \$234,627,000
 Hospital Data Collection Account—State Appropriation
 \$428,000
 Health Professions Account—State Appropriation
 \$146,975,000
 Aquatic Lands Enhancement Account—State
 Appropriation \$633,000
 Emergency Medical Services and Trauma Care Systems
 Trust Account—State Appropriation..... \$10,053,000
 Safe Drinking Water Account—State Appropriation
 \$5,976,000
 Drinking Water Assistance Account—Federal
 Appropriation \$16,759,000
 Waterworks Operator Certification Account—State
 Appropriation \$1,978,000
 Drinking Water Assistance Administrative Account—
 State Appropriation \$1,604,000
 Site Closure Account—State Appropriation..... \$180,000
 Biotoxin Account—State Appropriation \$1,675,000
 Model Toxics Control Operating Account—State
 Appropriation \$7,555,000
 Medical Test Site Licensure Account—State
 Appropriation \$3,187,000
 Secure Drug Take-Back Program Account—State
 Appropriation \$299,000
 Youth Tobacco and Vapor Products Prevention Account—
 State Appropriation \$3,222,000
 Dedicated Marijuana Account—State Appropriation
 (FY 2022)..... \$10,538,000
 Dedicated Marijuana Account—State Appropriation
 (FY 2023)..... \$10,562,000
 Public Health Supplemental Account—Private/Local
 Appropriation \$3,619,000
 Accident Account—State Appropriation..... \$348,000
 Medical Aid Account—State Appropriation \$53,000
 TOTAL APPROPRIATION \$1,226,700,000

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

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(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department

shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(9) \$26,855,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(10) \$17,000 of the health professions account—state appropriation is provided solely for the implementation of Senate Bill No. 5018 (acupuncture and eastern med.) If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(11) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(12) \$73,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute Senate Bill No. 5062 (data). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(13) \$79,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5119 (individuals in custody). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$1,333,000 of the general fund—state appropriation for fiscal year 2022 and \$1,117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (env. justice task force recs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) \$13,000 of the general fund—state appropriation for fiscal year 2022 and \$13,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5195 (opioid overdose medication). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(16) \$74,000 of the general fund—state appropriation for fiscal year 2022 and \$74,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5229 (health equity continuing ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a grant to the Pierce county center for dispute resolution to convene a task force, staffed by the Pierce county center for dispute resolution, to review and make recommendations on bringing the current practice of dental therapy on tribal lands to a statewide scale, and on the practice, supervision, and practice settings needed to maximize the effectiveness of dental therapy. The Pierce county center for dispute resolution must submit a report to the legislature by December 1, 2021.

(a) Members of the task force must include:

(i) Three representatives from different organizations that represent individuals or underserved communities, including but not limited to children, seniors, African Americans, Latino Americans, Native Americans, Pacific Islander Americans, and low income and rural communities;

(ii) One member of the dental quality assurance commission;

(iii) One representative from the University of Washington school of dentistry;

- (iv) One member from the Washington state dental association;
- (v) One member from the Washington state dental hygienists' association;
- (vi) One dental therapist;
- (vii) One dentist who has or is currently supervising a dental therapist or therapists;
- (viii) One representative from a dental only integrated delivery system;
- (ix) One representative from an urban Indian health clinic;
- (x) One representative from a federally qualified health center or the Washington association for community health;
- (xi) One representative from a dental therapy education program;
- (xii) One representative from a Washington tribe that currently employs dental therapists; and
- (xiii) One representative from a labor union representing care providers that has experience providing dental coverage and promoting dental care among their members.

(b) In addition, members of the task force may include members from the legislature as follows:

- (i) The president of the senate may appoint one member from each of the two largest caucuses of the senate; and
- (ii) The speaker of the house of representatives may appoint one member from each of the two largest caucuses of the house of representatives.

(18) \$492,000 of the general fund—state appropriation for fiscal year 2022 and \$492,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(19) \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$92,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(20) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine.

(21)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a task force, chaired by the secretary of the department, implemented by August 1, 2021, to assist with the development of a "parks Rx" health and wellness pilot program that can be implemented in the Puget Sound,

eastern Washington, and southwest Washington regions of Washington state.

(b) Members of the task force must include:

- (i) The secretary of health, or the secretary's designee;
- (ii) The following members to be appointed by the secretary of health:

(A) Two representatives of local parks and recreation agencies, from recommendations by the Washington recreation and park association;

(B) Two representatives of health care providers and community health workers, from recommendations by the association of Washington healthcare plans from recommendations by the department community health worker training program;

(C) Two representatives from drug-free health care professions, one representing the interests of state associations representing chiropractors and one representing the interests of physical therapists and athletic trainers from recommendations by their respective state associations;

(D) Two representatives from hospital and health systems, from recommendations by the Washington state hospital association;

(E) Two representatives of local public health agencies, from recommendations by the Washington state association of local public health officials; and

(F) Two representatives representing health carriers, from recommendations from the association of Washington healthcare plans; and

(iii) A representative from the Washington state parks, as designated by the Washington state parks and recreation commission.

(c) The secretary of health or the secretary's designee must chair the task force created in this subsection. Staff support for the task force must be provided by the department of health.

(d) The task force shall establish an ad hoc advisory committee in each of the three pilot regions for purposes of soliciting input on the design and scope of the parks Rx program. Advisory committee membership may not exceed 16 persons and must include diverse representation from the pilot regions, including those experiencing significant health disparities.

(e) The task force must meet at least once bimonthly through June 2022.

(f) The duties of the task force are to advise the department of health on issues including but not limited to developing:

(i) A process to establish the pilot program described in this subsection around the state with a focused emphasis on diverse communities and where systematic inequities and discrimination have negatively affected health outcomes;

(ii) Model agreements that would enable insurers to offer incentives to public, nonprofit, and private employers to create wellness programs that offer employees a discount on health insurance in exchange for a certain usage level of outdoor parks and trails for recreation and physical activity; and

(iii) Recommendations on ways in which a public-private partnership approach may be utilized to fund the implementation of the pilot program described in this subsection.

(g) The members of the task force are encouraged to consider grant funding and outside funding options that can be used toward the pilot program.

(h) The department of health must report findings and recommendations of the task force to the governor and relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2022.

(22) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a work group to make

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recommendations concerning funding and policy initiatives to address the spread of sexually transmitted infections in Washington.

(a) The work group membership must include, but is not limited to, the following members appointed by the governor:

(i) A representative from the department of health office of infectious disease;

(ii) A representative from the pharmacy quality assurance commission;

(iii) A representative from the Washington medical commission;

(iv) A representative from an organization representing health care providers;

(v) A representative from a local health jurisdiction located east of the crest of the Cascade mountains;

(vi) A representative from a local health jurisdiction located west of the crest of the Cascade mountains;

(vii) At least one representative from an organization working to address health care access barriers for LGBTQ populations;

(viii) At least one representative from an organization working to address health care access barriers for communities of color; and

(ix) At least one representative from an organization working to address health care access barriers for justice involved individuals.

(b) Staff support for the work group shall be provided by the department of health.

(c) The work group shall submit a report to the legislature by December 1, 2022, that includes recommendations to: (i) Eradicate congenital syphilis and hepatitis B by 2030; (ii) control the spread of gonorrhea, syphilis, and chlamydia; (iii) end the need for confirmatory syphilis testing by the public health laboratory; and (d) expand access to PrEP and PEP.

(d) Recommendations provided by the work group must be prioritized based on need and available funding.

(23) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$236,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement Engrossed Second Substitute House Bill No. 1152 (comprehensive public health districts). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(24) \$332,000 of the general fund—state appropriation for fiscal year 2022 and \$1,885,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish and operate regional shared service centers, regional health officers, and regional coordinators, as follows:

(a) The role and duties of the regional shared service centers shall be determined by the department and may include the coordination and facilitation of shared delivery of services under the foundational public health services, the implementation of Engrossed Second Substitute Senate Bill No. 5052 (health equity zones), and the development of relationships with other regional bodies, such as accountable communities of health.

(b) Regional health officers and regional coordinators must be employees of the department. The department may seek to colocate these employees with local health jurisdictions or other government agencies.

(c) The regional health officers shall be deputies of the state health officer. Regional health officers may: (i) Work in partnership with local health jurisdictions, the department, the state board of health, and federally recognized Indian tribes to provide coordination across counties; (ii) provide support to local health officers and serve as an alternative for local health officers

during vacations and other absences, emergencies, and vacancies; and (iii) provide mentorship and training to new local health officers.

(d) A regional health officer must meet the same qualifications as local health officers provided in RCW 70.05.050.

(25) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$58,000 of the general fund—local appropriation are provided solely for implementation of Second Substitute House Bill No. 1148 (acute care hospitals). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) \$832,000 of the general fund—local appropriation and \$554,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) \$21,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1063 (behav. health credentials). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(28) \$374,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1443 (cannabis industry/equity). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) \$97,000 of the general fund—local appropriation is provided solely for implementation of House Bill No. 1031 (birth cert., stillbirth). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(30) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$98,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) \$17,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (supervised exp./distance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(32) \$596,000 of the general fund—state appropriation for fiscal year 2022, \$58,000 of the general fund—state appropriation for fiscal year 2023, and \$64,000 of the hospital data collection account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(33) \$71,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1129 (international medical grads). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(34) \$2,809,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (lead in drinking water). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(35) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1383 (respiratory care). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(36) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1184 (risk-based water standards). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(37) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$1,873,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1225 (school-based health centers). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(38) \$301,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1161 (drug take-back programs). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(39) \$22,000 of the general fund—state appropriation for fiscal year 2022 and \$78,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed House Bill No. 1311 (SUD apprenticeships/certs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(40) \$17,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of House Bill No. 1378 (medical assistants). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(41) Within amounts appropriated in this section from the health professions account, the Washington nursing commission shall contract with the state auditor's office to conduct a performance audit, specifically addressing the length of time required to license individuals who come from other states. The audit should address the obstacles contributing to any delay and make recommendations for improvement.

(42) Within amounts appropriated in this section from the health professions account, the Washington medical commission shall contract with the state auditor's office to conduct a performance audit, which must address the length of time required to license individuals and comparatively analyze disciplinary processes with those of other states. The audit should address the obstacles contributing to inefficiencies and make recommendations for improvement.

(43) Within amounts appropriated in this section, the Washington nursing commission must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(44) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on best practices for limiting exposure, preventing transmission, and seeking treatment for COVID-19. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2021. A final report to the legislature must be submitted no later than June 30, 2023. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(45) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(46) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima Valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2022. A final report must be submitted to the legislature no later than June 30, 2023. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(47) \$2,122,000 of the general fund—state appropriation for fiscal year 2022 and \$2,122,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(48) \$2,325,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Additional staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Expansion of training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(49) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for the fruit and vegetable incentive program.

(50) \$474,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1218 (long-term care residents). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(51) \$1,779,000 of the health professions account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 1504 (workforce education development act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(52) \$627,000 of the general fund—state appropriation for fiscal year 2022 and \$627,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(53) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

(54) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation.

(55) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the health professions account—state appropriation are provided solely to implement Senate Bill No. 5124 (colon hydrotherapy). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2022)....	\$77,278,000
General Fund—State Appropriation (FY 2023)....	\$79,651,000
General Fund—Federal Appropriation	\$400,000
TOTAL APPROPRIATION.....	\$157,329,000

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

(a) \$1,135,000 of the general fund—state appropriation for fiscal year 2022 and \$1,731,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of reentry supports and transition services for incarcerated individuals including development and implementation of a coaching model approach to supervision.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to develop an implementation plan for a community supervision coaching

model to begin in fiscal year 2023. The department must solicit input from incarcerated individuals, family members of incarcerated individuals, experts in supervision and reentry, community stakeholder and advocacy groups, and impacted labor organizations. The plan shall propose appropriate policies and procedures for the coaching model, including ongoing training and organizational culture assessments. During development of the plan, the department must consider potential inequities that may arise from any changes or additional requirements of supervision resulting from the model and mitigate those concerns to the greatest extent possible in its final plan. This plan must be submitted to the office of financial management prior to implementation.

(c) Within the amounts provided in (a) of this subsection, \$706,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under (b) of this subsection and for the department to submit an initial report to the legislature on the progress of implementation of the coaching supervision model by no later than February 1, 2023.

(d) \$17,000 of the general fund—state appropriation for fiscal year 2022 and \$17,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(e) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$187,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(f)(i) \$779,000 of the general fund—state appropriation for fiscal year 2022 and \$817,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (f)(i) of this subsection, \$680,000 of the general fund—state appropriation for fiscal year 2022 and \$285,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2022) ..	\$602,497,000
General Fund—State Appropriation (FY 2023) ..	\$605,877,000
General Fund—Federal Appropriation.....	\$1,300,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation	\$4,343,000
TOTAL APPROPRIATION	\$1,214,017,000

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department

of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2022 and \$501,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) Funding in this subsection is sufficient for the department to track and report to the legislature on the changes in working conditions and overtime usage as a result of increased funding provided for custody relief and health care delivery by December 1, 2022.

(d) \$39,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2022).. \$248,374,000
 General Fund—State Appropriation (FY 2023).. \$274,412,000
 TOTAL APPROPRIATION..... \$522,786,000

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

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$7,394,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of the plan to be developed under subsection (1)(b) of this section.

(d) Within existing resources the department must update the response to violations and new criminal activity policy to reflect the savings assumed in this section as related to mandatory maximum confinement sanctions.

(e) \$1,124,000 of the general fund—state appropriation for fiscal year 2022 and \$523,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased costs associated with the relocation of leased facilities.

The department shall engage in ongoing strategies to reduce the need for relocating facilities and when necessary contract only with lessors with rates that align with comparable market rates in the area.

(f) \$59,000 of the general fund—state appropriation for fiscal year 2022 and \$23,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5071 (civil commitment transition). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(g) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for conducting a community corrections caseload study. The department of corrections shall contract with an independent third party to provide a comprehensive review of the community corrections staffing model and develop an updated staffing model for use by the department of corrections. The updated model must include additional time and flexibility for community corrections officers to focus on case management, engagement, and interventions. The department of corrections shall submit a report, including a summary of the review and update, to the governor and appropriate committees of the legislature by July 1, 2022.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2022)..... \$7,324,000
 General Fund—State Appropriation (FY 2023)..... \$7,539,000
 TOTAL APPROPRIATION\$14,863,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2022)....\$58,651,000
 General Fund—State Appropriation (FY 2023)....\$52,702,000
 TOTAL APPROPRIATION\$111,353,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022)....\$77,046,000
 General Fund—State Appropriation (FY 2023)....\$77,596,000
 TOTAL APPROPRIATION\$154,642,000

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody. The department of corrections must complete a report and submit its findings and recommendations to the appropriate committees of the legislature by December 15, 2021.

(c) \$3,106,000 of the general fund—state appropriation for fiscal year 2022 and \$3,106,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the housing voucher program.

(d) \$3,300,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for temporary court facilities, staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the *State v. Blake* decision.

(e)(i) \$1,001,000 of the general fund—state appropriation for fiscal year 2022 and \$675,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for increasing access to educational opportunities for incarcerated individuals.

(ii) Of the amounts provided in (e)(i) of this subsection, \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022).....	\$174,184,000
General Fund—State Appropriation (FY 2023).....	\$175,599,000
General Fund—Federal Appropriation.....	\$1,400,000
TOTAL APPROPRIATION.....	\$351,183,000

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

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$183,000 of the general fund—state appropriation for fiscal year 2022 and \$167,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (providing reentry services to persons releasing from state and local institutions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2022).....	\$3,534,000
General Fund—State Appropriation (FY 2023).....	\$3,573,000
General Fund—Federal Appropriation.....	\$25,544,000
General Fund—Private/Local Appropriation.....	\$60,000
TOTAL APPROPRIATION.....	\$32,711,000

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

(1) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to consult with a food service architect to determine the feasibility and cost of remodels to select cafes owned by entrepreneurs participating in the business enterprise program, and to prepare a report that includes the results, recommendations, cost, and potential funding sources that could be used to assist with remodels. The report is due to the governor and appropriate legislative committees by November 1, 2021.

(2) \$70,000 of the general fund—state appropriation is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2022).....	\$1,757,000
General Fund—State Appropriation (FY 2023).....	\$2,834,000
General Fund—Federal Appropriation.....	\$382,529,000
General Fund—Private/Local Appropriation.....	\$36,416,000
Unemployment Compensation Administration Account—	
Federal Appropriation.....	\$420,315,000
Administrative Contingency Account—State	
Appropriation.....	\$26,636,000
Employment Service Administrative Account—State	
Appropriation.....	\$60,926,000
Family and Medical Leave Insurance Account—State	
Appropriation.....	\$139,697,000
Workforce Education Investment Account—State	

Appropriation.....	\$7,400,000
Long-Term Services and Supports Trust Account—State	
Appropriation.....	\$32,265,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.....	\$168,745,000
Unemployment Insurance Relief Account—State	
Appropriation.....	\$500,000,000
TOTAL APPROPRIATION.....	\$1,779,520,000

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$30,458,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program. Of this amount, \$10,932,833 is provided for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(4) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(6) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(7) \$3,264,000 of the employment services administrative account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(8) \$476,000 of the unemployment compensation administration account—federal appropriation is provided for the department to implement chapter 2, Laws of 2021 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (8).

(9) \$875,000 of the general fund—state appropriation for fiscal year 2022, \$875,000 of the general fund—state appropriation for fiscal year 2023, and \$7,385,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(10) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation are provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(11) \$80,000 of the employment services administrative account—state appropriation is provided solely for the department to produce a report on the feasibility of replicating the existing unemployment insurance program to serve individuals not eligible for unemployment insurance due to immigration status. The study shall identify programmatic differences that would mitigate barriers to access and reduce fear of participation and identify the operational and caseload costs associated with the replication. If using a replica of the unemployment insurance program conflicts with federal law, the study shall assess the operational and caseload costs of similar social net programs that serve individuals regardless of their citizenship status. The departments shall jointly submit recommendations required by this section to the governor and appropriate legislative committees no later than November 5, 2021. The department shall:

(a) Work with the departments of labor and industries, social and health services, and commerce and the office of the governor;

(b) Convene and meet at least three times with a group of eight to ten external stakeholders comprised of representatives from geographically diverse immigrant advocacy groups, labor organizations with a state-wide presence, workers' rights groups, and legal and policy advocacy groups focused on immigration and employment law; and

(c) Hold at least one listening session with community members.

(12) \$41,456,000 of the general fund—federal appropriation (ARPA) and \$2,684,000 of the general fund—federal appropriation (CRF) are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) \$22,346,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) \$5,768,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud.

(c) \$4,465,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) \$400,000 of the general fund—federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease-of-access.

(e) \$4,477,000 of the general fund—federal appropriation (ARPA) is provided for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors.

(f) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(g) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

(h) \$4,000,000 of the general fund—federal appropriation (ARPA) for fiscal year 2022 is provided solely for the department to translate notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(13) \$10,000,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to make information technology improvements to improve user experience and increase security to prevent unemployment insurance fraud. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) Within existing resources, the department shall report to the legislature by September 2, 2021, the following information pertaining to the unemployment insurance program:

(a) The number of full time equivalent employees of the department who were working in the unemployment insurance program, including those who were reassigned internally to the unemployment insurance program, the number of full time equivalent employees that were contracted by the department from other state agencies, and the number of contractors or consultants engaged by the department, on a monthly basis beginning March 1, 2020, through the latest available month;

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(b) A projection of full-time equivalent staffing or contractor needs that would be affordable within anticipated base and above-base federal unemployment administrative revenues;

(c) A spending plan for anticipated federal unemployment revenues other than base or above-base revenues, including any proposed additional full-time equivalent staff, consultants, contractors, or other investments related to helping the department reduce the backlog of unemployment insurance claims, appeals, denials, overpayments, and other claimant issues; and

(d) A budget for the unemployment insurance program, showing expenditures by object and fund source, for fiscal years 2022 and 2023, along with any projected shortfalls in revenues.

(15) \$797,000 of the general fund—state appropriation for fiscal year 2022, \$1,874,000 of the general fund—state appropriation for fiscal year 2023, and \$979,000 of the family medical leave insurance account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5097 (paid leave coverage). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(16) \$90,000 of the unemployment account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5190 (health care workers/benefits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(17) \$5,322,000 of the unemployment account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill No. 5193 (unemployment ins. system). If the bill is not enacted by July 1, 2021, the amount provided in this subsection shall lapse.

(18) \$168,745,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1073 (paid leave coverage). Of the amount provided in this subsection, at least 95 percent is provided solely for grants and assistance awarded by the department pursuant to the bill. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(19) \$500,000,000 of the unemployment insurance relief fund—state appropriation is provided solely for the implementation of unemployment insurance relief provided pursuant to Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse. The department is directed to implement the bill within existing resources.

(20) \$1,806,000 of the long-term services and supports trust account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1323 (long-term services trust). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(21) \$1,075,000 of the unemployment account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 1455 (social security/L&I & ESD). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(22) \$10,571,000 of the general fund—federal appropriation is provided solely for administration costs related to the federal unemployment insurance programs extended under the American rescue plan act of 2021, P.L. 117-2.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the North Central educational service district 171 to support the development of

industry and education partnerships and expand career awareness, exploration and preparation activities for youth in Grant county.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL

(1) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2022) ..	\$389,597,000
General Fund—State Appropriation (FY 2023) ..	\$403,209,000
General Fund—Federal Appropriation	\$475,829,000
General Fund—Private/Local Appropriation	\$2,824,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$5,500,000
TOTAL APPROPRIATION	\$1,276,959,000

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

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case

management as a condition of the contract. No later than December 1, 2021, the department must, in consultation with the health care authority, report to the appropriate legislative committees on potential options to maximize federal funding for the center, including any potential for the center to bill managed care organizations for services provided to medicaid recipients.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$453,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. The report shall detail progress toward meeting the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$540,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund—private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where

backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by November 1, 2022. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(9) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(10) \$2,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(11) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(12) \$6,195,000 of the general fund—state appropriation for fiscal year 2022, \$6,195,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(a) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(b) Beginning October 1, 2021, and every quarter thereafter, the department shall publish on its website the rates or fees paid for emergent placement contracts, the number of beds retained,

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and the number of beds purchased. If the department determines that there is a need to increase the rates or fees paid or the number of beds retained or purchased under this subsection, the secretary shall request authorization from the office of financial management and notify the fiscal committees of the legislature.

(13) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(15) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(16) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—federal appropriation for fiscal year 2023 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$5,500,000 of the general fund—federal appropriation (ARPA/CSFRF) is provided solely for one-time \$250 per child grants to families on behalf of up to 22,000 children who may be at risk of child welfare system involvement and have experienced economic impacts of the COVID-19 pandemic.

(19) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(20) \$387,000 of the general fund—state appropriation for fiscal year 2022, \$393,000 of the general fund—state appropriation for fiscal year 2023, and \$143,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2021.

(21)(a) \$739,000 of the general fund—state appropriation for fiscal year 2022, \$702,000 of the general fund—state appropriation for fiscal year 2023, and \$482,000 of the general fund—federal appropriation are provided solely for the

department of children, youth, and families to create and implement a new approach to transition planning for young people preparing to exit the child welfare system and juvenile rehabilitation institutions, pursuant to the recommendations in the *improving stability for youth exiting systems of care* report submitted in January 2020 as required by RCW 43.330.720. The department must engage young people, caregivers, providers, and other stakeholders in the creation and implementation of the approach by:

(i) Providing one statewide adolescent transitions program manager and six adolescent liaisons, one in each region of the department, who are dedicated to supporting the transition planning approaches developed by the department, providing program oversight, and supporting improved outcomes for adolescents during the transition to adulthood; and

(ii) Strengthening the administration and competency of the independent living program and direct independent living services. No later than June 1, 2022, the department must centralize administration of its independent living program and develop a framework for service delivery, including best practice recommendations. The framework must be codesigned with adolescents, caregivers, providers, and stakeholders. No later than June 30, 2022, the department must develop and launch a competitive request for proposal process to solicit bidders to provide independent living services under the new framework.

(b) No later than November 30, 2022, the department must report to the governor and appropriate legislative committees on the implementation of the new approach to transition planning, the new independent living framework, and the state's capacity to provide high-quality transition services, including independent living services, to youth and young adults exiting the child welfare system and juvenile rehabilitation institutions. The report must identify any remaining service gaps that prevent statewide implementation and address the additional resources needed to improve outcomes for young people exiting these systems of care.

(22) \$2,400,000 of the general fund—state appropriation for fiscal year 2022 and \$2,400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(23) The appropriations in this section include sufficient funding for continued implementation of chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(24) The appropriations in this section include sufficient funding to implement chapter 51, Laws of 2020 (SHB 2873) (families in conflict).

(25) \$511,000 of the general fund—state appropriation for fiscal year 2023 and \$153,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) \$219,000 of the general fund—state appropriation for fiscal year 2022, \$208,000 of the general fund—state appropriation for fiscal year 2023, and \$295,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1061 (child welfare/developmental disability). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) \$29,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(28) \$451,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a community organization with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

(29) \$326,000 of the general fund—state appropriation for fiscal year 2022, \$326,000 of the general fund—state appropriation for fiscal year 2023, and \$148,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) \$499,000 of the general fund—state appropriation for fiscal year 2022, \$499,000 of the general fund—state appropriation for fiscal year 2023, and \$310,000 of the general fund—federal appropriation are provided solely to expand the family connections program in two areas of the state in which the program is not already established as of the effective date of this section. One expansion site must be located west of the crest of the Cascade mountain range and the other expansion site must be located east of the crest of the Cascade mountain range. The program expansion must follow the family connections program model pursuant to RCW 74.13.715. To operate the two expansion sites, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program.

(31) \$25,000 of the general fund—state appropriation for fiscal year 2023 and \$25,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2022).....	\$127,325,000
General Fund—State Appropriation (FY 2023).....	\$129,690,000
General Fund—Federal Appropriation	\$3,464,000
General Fund—Private/Local Appropriation.....	\$1,787,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	\$196,000
TOTAL APPROPRIATION.....	\$262,462,000

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

(1) \$331,000 of the general fund—state appropriation for fiscal year 2022 and \$331,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its

report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile

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courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$1,352,000 of the general fund—state appropriation for fiscal year 2022 and \$1,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(6) \$283,000 of the general fund—state appropriation for fiscal year 2022 and \$283,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(8) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(9) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(10) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to assess the juvenile court assessment tool. The juvenile rehabilitation program shall contract with the Washington state institute for public policy to review the standardized juvenile court assessment tool to access whether it accurately determines eligibility criteria and properly assigns youth to programs that meet their needs. The institute must work in collaboration with the juvenile block grant proviso committee.

(12)(a) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$986,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1186 (concerning juvenile rehabilitation community transition services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(b) Of the amounts provided in (a) of this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$105,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for housing vouchers.

(13) \$128,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(14) \$122,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5118 (supporting successful reentry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) Sufficient funding is provided within this section for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions).

(16) Within existing resources, the department shall evaluate the Martin hall juvenile detention facility located in Medical Lake as an option for increased capacity needs for the juvenile rehabilitation program.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2022) ..	\$289,936,000
General Fund—State Appropriation (FY 2023) ..	\$348,787,000
General Fund—Federal Appropriation	\$1,066,945,000
General Fund—Private/Local Appropriation	\$86,000
Education Legacy Trust Account—State Appropriation	\$28,127,000
Home Visiting Services Account—State Appropriation	\$23,966,000
Home Visiting Services Account—Federal Appropriation	\$29,776,000
Washington Opportunity Pathways Account—State Appropriation	\$80,000,000
Workforce Education Investment Account—State Appropriation	\$8,482,000
TOTAL APPROPRIATION	\$1,876,105,000

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

(1)(a) \$80,273,000 of the general fund—state appropriation for fiscal year 2022, \$119,932,000 of the general fund—state

appropriation for fiscal year 2023, \$24,070,000 of the education legacy trust account—state appropriation, \$80,000,000 of the opportunity pathways account—state appropriation, and \$25,452,000 of the general fund—federal appropriation (CRRSA/GEER) are provided solely for the early childhood education and assistance program. These amounts shall support at least 15,162 slots in fiscal year 2022 and 15,912 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$14,930,000 of the general fund—state appropriation for fiscal year 2023 and \$14,889,000 of the general fund—federal appropriation (CRRSA/GEER) are for a slot rate increase of ten percent beginning July 1, 2021. The funding provided in this subsection is sufficient for the department to increase rates according to inflation, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.), beginning in fiscal year 2023 and annually thereafter.

(c) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) The legislature recognizes that the federal government has provided substantial additional funding through the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. and the American rescue plan act of 2021, P.L. 117-2. The purpose of the additional federal funding is to ensure access to affordable child care and to stabilize and support child care providers from the effects of the COVID-19 pandemic. The legislature intends with the passage of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.) to implement these federal purposes by expanding eligibility for subsidized child care, reducing parent copayments, increasing provider base rates to recognize increased costs, and providing other financial support to stabilize the child care sector to remain open or to reopen. The legislature finds that the state lacked the fiscal capacity to make these investments and the additional federal funding has provided the opportunity to supplement state funding to expand and accelerate child care access, affordability, and provider support as the state navigates the COVID-19 pandemic and its aftermath.

(5) \$20,110,000 of the general fund—state appropriation in fiscal year 2022, \$45,757,000 of the general fund—state appropriation in fiscal year 2023, \$8,482,000 of the workforce education investment account—state appropriation, \$283,375,000 of the general fund—federal appropriation, \$59,893,000 of the general fund—federal appropriation (CARES), \$65,482,000 of the general fund—federal

appropriation (CRRSA), and \$111,252,000 of the general fund—federal appropriation (ARPA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 947 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$59,893,000 of the general fund—federal appropriation (CARES), \$65,925,000 of the general fund—federal appropriation (CRRSA), and \$99,918,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working child care connections program, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Of the amounts provided in this subsection:

(i) \$28,759,000 of the general fund—federal appropriation (CARES), \$11,993,000 of the general fund—federal appropriation (CRRSA), and \$35,979,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of reduced household child care monthly copayments. For households at or below 50 percent of the state median income, copayments are capped at \$115 through January 1, 2022, and \$90 from January 1, 2022, through fiscal year 2023. For households at or below 60 percent of the state median income, copayments are capped at \$115 through June 30, 2023.

(ii) \$31,134,000 of the general fund—federal appropriation (CARES), \$40,195,000 of the general fund—federal appropriation (CRRSA), and \$45,476,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market for child care providers. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

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(iii) \$3,930,000 of the general fund—federal appropriation (CRRSA) and \$4,903,000 of the general fund—federal appropriation (ARPA) are provided solely to waive work requirements for student parents utilizing the working connections child care program.

(iv) \$6,726,000 of the general fund—federal appropriation (CRRSA) and \$10,633,000 of the general fund—federal appropriation (ARPA) are provided solely to expand eligibility for the working connections child care program to households at or below 60 percent of state median income, beginning October 1, 2021.

(v) \$1,549,000 of the general fund—federal appropriation (CRRSA) and \$982,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to implement an infant rate enhancement for child care providers.

(d) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of 60 percent of the state median income or below; and

(viii) All other eligible families.

(e) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(8) \$871,000 of the general fund—state appropriation for fiscal year 2022 and \$871,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2022.

(9)(a) \$5,899,000 of the general fund—state appropriation for fiscal year 2022 and \$8,382,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(b) Of the amounts provided in this subsection (9), \$1,246,000 of the general fund—state appropriation for fiscal year 2022 and \$3,719,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the expansion of ECLIPSE services, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). Funding provided for the expansion of services is intended to serve new geographic areas not currently served by ECLIPSE services. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (9)(b) shall lapse.

(10) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(11) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(16) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(17)(a) \$7,355,000 of the general fund—state appropriation for fiscal year 2022, \$11,126,000 of the general fund—state appropriation for fiscal year 2023, \$11,032,000 of the general fund—federal appropriation (CRRSA), and \$9,632,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse. The legislature intends for the appropriations provided in this subsection to stabilize and support child care providers and early learning contractors and to expand families' access to affordable, quality child care and early learning during and after the COVID-19 public health emergency. Of the amounts provided in this subsection:

(i) \$2,535,000 of the general fund—state appropriation for fiscal year 2022, \$2,535,000 of the general fund—state appropriation for fiscal year 2023, and \$4,604,000 of the general fund—federal appropriation (CRRSA) are provided solely for the implementation of complex needs funds.

(ii) \$966,000 of the general fund—federal appropriation (CRRSA) and \$1,836,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trauma-informed care supports.

(iii) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$3,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement dual language rate enhancements.

(iv) \$671,000 of the general fund—state appropriation for fiscal year 2022, \$656,000 of the general fund—state appropriation for fiscal year 2023, and \$3,982,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of equity grants.

(v) \$773,000 of the general fund—state appropriation for fiscal year 2022, \$773,000 of the general fund—state appropriation for fiscal year 2023, \$1,500,000 of the general fund—federal appropriation (CRRSA), and \$900,000 of the general fund—federal appropriation (ARPA) are provided solely for infant and early childhood mental health consultation.

(vi) \$365,000 of the general fund—federal appropriation (CRRSA) and \$495,000 of the general fund—federal appropriation (ARPA) are provided solely for the expansion of family, friend, and neighbor child care play and learn groups.

(vii) \$930,000 of the general fund—state appropriation for fiscal year 2022, \$1,075,000 of the general fund—state appropriation for fiscal year 2023, \$3,597,000 of the general fund—federal appropriation (CRRSA), and \$2,419,000 of the general fund—federal appropriation (ARPA) are provided solely for the implementation of trainings, early achievers scholarships, and other professional development activities. Amounts provided in this subsection may be used to contract with a nonprofit

organization that provides relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers.

(viii) \$1,585,000 of the general fund—state appropriation for fiscal year 2022 and \$2,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand the birth-to-three early childhood education and assistance program.

(ix) \$421,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the department of commerce on technical assistance to employers interested in providing child care to employees.

(b) The state and the representative for family child care providers must enter into bargaining over the implementation of grants and rate increases included in this proviso, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(18) \$265,000 of the general fund—state appropriation for fiscal year 2022 and \$265,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$414,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to establish a pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and
- (iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the relevant committees of the legislature recommendations on whether to permanently implement this license category and what, if any, changes are needed to law to accomplish this.

(20)(a) \$2,771,000 of the home visiting account—state appropriation for fiscal year 2022, \$5,299,000 of the home visiting account—state appropriation for fiscal year 2023, and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided to expand home visiting services, enhance data collection, and support the local implementing agencies providing home visiting services. The department shall:

(i) Contract with local implementing agencies to expand home visiting services by October 1, 2021; and

(ii) Provide semiannual updates to the home visiting advisory committee established in RCW 43.216.130 that includes an updated number of families served in home visiting programs and a status of the home visiting services account balance.

(iii) The home visiting advisory committee established in RCW 43.216.130 shall make recommendations to the department and the legislature by June 1, 2022, containing strategies for supporting home visiting providers and serving additional families. Recommendations should include, but are not limited to, strategies in the 2019 report to the legislature *Opportunities and Considerations for Expanding Home Visiting Services in Washington State*, such as enhancing data system collections and

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reporting, professional development supports, and rate adjustments to reimburse for the true cost of service delivery.

(b) Of the amounts provided in (a) of this subsection, \$2,528,000 of the home visiting account—state appropriation for fiscal year 2023 and \$3,000,000 of the general fund—federal appropriation (ARPA) are provided for additional home visiting services in order to implement Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(21) The appropriations in this section are sufficient funding to implement section 29 of Substitute Senate Bill No. 5151 (foster care & child care).

(22)(a) \$390,600,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for the department to distribute grants to child care providers to stabilize the child care industry as part of the state's response to the COVID-19 public health emergency. Child care providers are eligible for grants if they are eligible for child care development fund moneys or if they are licensed, regulated, or registered within the state. The funding provided in this subsection must be expended consistent with federal law. Of the amounts provided in this subsection:

(i) \$27,342,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the grant program, including but not limited to costs related to creating and administering the online grant application, providing technical assistance and support for applying for and accessing the grants, publicizing the availability of the grants, and processing applications on a rolling basis.

(ii) \$11,718,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to contract with an organization to provide language access support to child care providers during the grant application process, including but not limited to translation services, community-based support related to the grant application process, and other grant application support.

(iii) \$351,540,000 of the general fund—federal appropriation (ARPA) and \$9,400,000 of the general fund—federal appropriation (CARES) are provided solely for child care stabilization grants to eligible child care providers as defined in section 2202 of the American rescue plan act of 2021 (ARPA). In applying for grants, child care providers are expected to meet the certification requirements defined in section 2202(d)(2)(D)(i) of ARPA. To the extent practicable, at least 10 percent of each grant awarded to an eligible child care provider must be used for compensation increases to employees working at a provider's facility. The department must make its best efforts to distribute 75 percent of the funding provided in this subsection by January 1, 2022, with the remaining 25 percent distributed by June 30, 2022. To the extent practicable, the department must prioritize: Providers in child care deserts; providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity across the state. In processing applications, to the extent practicable the department must also prioritize grant applications that include funding for the following purposes:

- (A) Rent or mortgage payments;
- (B) Copayment or tuition waivers for families receiving care, including refunds or credits to families who are not attending but are paying tuition in order to maintain a child's spot in the facility;
- (C) Child care for historically disadvantaged populations;
- (D) Child care during the summer months;
- (E) Child care during nonstandard hours;

- (F) Child care for school-age children;
- (G) Outreach to families who may have stopped attending due to cost;

- (H) Mental health supports for children and employees;
- (I) Broadband access for child care providers that care for school-age children; and

- (J) Personnel costs, including compensation, benefits, health care premium pay, or paid leave.

(b) Nothing in this subsection changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d).

(23) \$500,000 of the general fund—federal appropriation (CARES) is provided solely for the department to hire two temporary language access coordinators with specialties in Spanish and Somali to address immediate language access needs at the department related to COVID-19 child care relief and recovery in department programs, including but not limited to:

- (a) Translation of department materials;
- (b) Outreach to community organizations serving multilingual children and families regarding department programs;
- (c) Webinars and other technical assistance provided in Spanish and Somali for department programs; and

(d) Other means of increasing language access and equity for early learning providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to convene a work group that assesses and provides recommendations for creating new infrastructures and funding streams that support youth development. The work group must include representatives from community-based organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wrap around supports and integrated student support. The department must report its findings and recommendations to the governor and legislature by September 1, 2022. The report must include the following recommendations:

- (a) Programmatic changes for breaking down silos and barriers for youth programming between state agencies;
- (b) The appropriate program within the department to develop meaningful youth-level, research-based prevention and promotion outcomes, and to support community-based organizations providing those outcomes;
- (c) The establishment of a state grant program to provide quality youth development opportunities for children and youth ages five through high school graduation; and
- (d) Strategies to increase access to youth development programs for prioritized populations such as children of color, foster children, children experiencing homelessness, and children involved in the justice system.

(25) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Second Substitute House Bill No. 1127 (COVID-19 health data privacy). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) \$5,548,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(27)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(28) Funding in this section is sufficient for the department to collaborate with the department of commerce to jointly convene and facilitate a child care collaborative task force to continue the work of the task force created in chapter 368, Laws of 2019 (2SHB 1344) to establish a true cost of quality of child care. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(29) \$900,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide early childhood education and assistance program services during July and August of 2021 to address learning loss and to meet the unique educational and other needs of 468 children whose enrollment was interrupted or delayed due to the COVID-19 public health emergency.

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022)..	\$171,339,000
General Fund—State Appropriation (FY 2023)..	\$171,554,000
General Fund—Federal Appropriation.....	\$194,079,000
General Fund—Private/Local Appropriation.....	\$394,000
Education Legacy Trust Account—State Appropriation	
.....	\$180,000
Home Visiting Services Account—State Appropriation	
.....	\$458,000
Home Visiting Services Account—Federal Appropriation	
.....	\$380,000
TOTAL APPROPRIATION.....	\$538,384,000

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

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships

providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,000 of the general fund—state appropriation for fiscal year 2022, \$1,000 of the general fund—state appropriation for fiscal year 2023, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 945 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$505,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, statutory changes needed to achieve administrative efficiencies, and all other requirements of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.).

(5) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide nonprofit with demonstrated capability of partnering with state agencies and community organizations to develop public-facing regionalized data dashboards and reports to support the goals of the department and the early learning advisory council, pursuant to Engrossed Second Substitute Senate Bill No. 5237 (child care & early learning dev. exp.).

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$5,000,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1227 (child abuse allegations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5118 (reentry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) \$6,532,000 of the general fund—state appropriation for fiscal year 2022, \$7,385,000 of the general fund—state appropriation for fiscal year 2023, and \$6,083,000 of the general

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fund—federal appropriation (CRRSA) are provided solely for the department to migrate the social service payment system to a cloud-based payment system in order to implement child care stabilization grants, child care subsidy rate enhancements, and other payments intended to support child care providers during and after the COVID-19 public health emergency, to implement changes to the social service payment system necessary to implement these payments, and for other improvements necessary for the successful implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The amounts in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$250,000 of the general fund—federal appropriation (CARES) is provided solely for the department to develop or contract to develop a language access plan that addresses equity and access for immigrant, multilingual providers, caregivers, and families. The plan must be submitted to the appropriate committees of the legislature by June 30, 2022. The plan must include, but is not limited to, the following:

(a) A needs assessment and staffing recommendation for program accessibility at the department for individuals with limited English and a geographic landscape analysis of language needs for providers, caregivers, and families in their interactions with the department;

(b) A review of successful language access policies and practices in public agencies to effectively address the needs of non-English speaking families, providers, and other stakeholders;

(c) An alignment of best practices across the department in multilingual workforce development;

(d) A framework for proactive community engagement to provide child care providers, early learning providers, or families that speak languages other than English access to information and support in navigating English-dominant state resources at the department;

(e) Recommendations for a continuous improvement model of measuring progress and success in language access at the department; and

(f) Compliance with federal and state laws at the department.

(11) \$40,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to establish a process for informing, upon clearance of required background checks, employees of licensed family home, center-based, and outdoor nature-based childcares about available financial supports and options for accessing health coverage. On at least an annual basis, no less than 45 days before the start of open-enrollment, the department must share with the health benefits exchange (exchange) and designated navigator organizations, but no additional third-party entity, workforce data identifying licensed childcare employees for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange. The department must share with the exchange and designated navigator organizations, but no additional third-party entity, workforce data identifying newly licensed childcare employees on an ongoing basis as needed during the plan year for the sole purpose of outreach, enrollment, verification, and other program implementation activities identified by the exchange.

(12) \$1,494,000 of the general fund—federal appropriation is provided solely for the department to implement the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

(13) \$267,000 of the general fund—state appropriation for fiscal year 2022, \$717,000 of the general fund—state appropriation for fiscal year 2023, and \$223,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1219 (youth counsel/dependency). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed/release). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(15) \$848,000 of the general fund—state appropriation for fiscal year 2022, \$848,000 of the general fund—state appropriation for fiscal year 2023, and \$384,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1194 (parent-child visitation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

PART III

NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2022)	\$752,000
General Fund—State Appropriation (FY 2023)	\$820,000
General Fund—Federal Appropriation.....	\$32,000
General Fund—Private/Local Appropriation	\$1,354,000
TOTAL APPROPRIATION	\$2,958,000

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

(1) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the general fund—private/local appropriation are provided solely for the access database replacement project, and is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2022)	\$47,364,000
General Fund—State Appropriation (FY 2023)	\$39,868,000
General Fund—Federal Appropriation.....	\$98,760,000
General Fund—Private/Local Appropriation	\$26,999,000
Reclamation Account—State Appropriation	\$4,286,000
Flood Control Assistance Account—State Appropriation	\$4,066,000
Aquatic Lands Enhancement Account—State Appropriation	\$150,000
State Emergency Water Projects Revolving Account—State Appropriation	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation.....	\$26,666,000
State Drought Preparedness Account—State Appropriation	\$204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation.....	\$186,000
Water Rights Tracking System Account—State Appropriation	\$48,000
Site Closure Account—State Appropriation.....	\$582,000

Wood Stove Education and Enforcement Account—State Appropriation.....	\$567,000
Worker and Community Right to Know Fund—State Appropriation.....	\$1,968,000
Water Rights Processing Account—State Appropriation.....	\$39,000
Water Quality Permit Account—State Appropriation.....	\$46,578,000
Underground Storage Tank Account—State Appropriation.....	\$3,876,000
Biosolids Permit Account—State Appropriation....	\$2,594,000
Hazardous Waste Assistance Account—State Appropriation.....	\$7,389,000
Radioactive Mixed Waste Account—State Appropriation.....	\$22,281,000
Air Pollution Control Account—State Appropriation.....	\$4,135,000
Oil Spill Prevention Account—State Appropriation.....	\$6,446,000
Air Operating Permit Account—State Appropriation.....	\$4,786,000
Wastewater Treatment Plant Operator Certification Account—State Appropriation.....	\$552,000
Oil Spill Response Account—State Appropriation.....	\$7,076,000
Model Toxics Control Operating Account—State Appropriation.....	\$283,123,000
Model Toxics Control Operating Account—Local Appropriation.....	\$499,000
Voluntary Cleanup Account—State Appropriation ...	\$344,000
Paint Product Stewardship Account—State Appropriation.....	\$140,000
Dedicated Marijuana Account—State Appropriation (FY 2022).....	\$270,000
Dedicated Marijuana Account—State Appropriation (FY 2023).....	\$276,000
Water Pollution Control Revolving Administration Account—State Appropriation.....	\$4,566,000
Clean Fuels Program Account—State Appropriation	\$382,000
Climate Investment Account—State Appropriation	\$5,139,000
TOTAL APPROPRIATION.....	\$652,245,000

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

- (1) \$910,000 of the model toxics control operating account—state appropriation is provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.
- (2) \$2,024,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process an increased workload of clean water act certification requests and to process all United States army corps of engineers permitted projects in Washington within the sixty-day processing requirement, should it be implemented.
- (3) Within the amounts appropriated in this section, the department must adopt rules to implement the provisions of RCW 88.40.025.
- (4) \$739,000 of the general fund—state appropriation for fiscal year 2022 and \$363,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1050 (fluorinated gases). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.
- (5) \$2,277,000 of the general fund—state appropriation for fiscal year 2022, \$897,000 of the general fund—state appropriation for fiscal year 2023, and \$382,000 of the clean fuels program account—state appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No.

1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) \$262,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(8) \$204,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$14,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(10) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$662,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to address outstanding water rights issues. Of the amounts provided in this subsection:

(a) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$537,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for preparation and filing of adjudications of state water rights in the Nooksack (water resource inventory area 1) and lake Roosevelt and middle tributaries (water resource inventory area 58) watersheds. The department will not file an adjudication in water resource inventory area 1 prior to June 1, 2023; and

(b) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Whatcom county to support a collaborative process among local water users and water right holders that can complement water rights adjudication in the Nooksack (water resources inventory area 1) watershed. Funding is provided for facilitation and mediation among parties, development of planning and technical information, and assessment of local solutions. At a minimum, the collaborative process must seek to provide opportunities for discussion of increasing salmon populations and preserving farmland.

(12) \$242,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'klallam Tribe for a new response vehicle.

(13) \$398,000 of the model toxics control operating account—state appropriation is provided solely for consumer product testing data validation services to support increases to the agency's product testing program.

(14) \$2,305,000 of the model toxics control operating account—state appropriation is provided solely to increase the department's capacity to test for toxics in children's products and other general consumer goods, to implement needed policy changes resulting from product testing, to communicate results to the public, and to conduct a feasibility study to add an inorganics component to the plan for new laboratory space at the department's headquarters building in Lacey, Washington.

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(15) \$497,000 of the general fund—state appropriation for fiscal year 2022 and \$497,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide grants to conservation organizations and certain tribes for the purpose of coordination, monitoring, and research related to Puget Sound kelp conservation and recovery. Of the amounts provided in this subsection the department shall distribute grants as follows: \$175,000 each fiscal year to the Northwest Straits commission; \$72,000 each fiscal year to the Lower Elwha Klallam Tribe; \$100,000 each fiscal year to the Samish Indian Nation; and \$150,000 each fiscal year to the Puget Sound Restoration Fund.

(16) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(17) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(18) \$80,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(20) \$92,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(21) \$146,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to work with landowners, state agencies, and others to analyze the water quality of Deep lake.

(22) \$195,000 of the model toxics control operating account—state appropriation is provided solely for the department to carry out an assessment of potential hazards of 6PPD (CAS 793-24-8) and other chemicals or chemical classes and breakdown products used as anti-oxidants and/or antiozonants in tires and submit a

technical memo to the appropriate committees of the legislature by December 1, 2021.

(23) \$523,000 of the model toxics control operating account—state appropriation is provided solely for the department to work with the department of transportation, University of Washington-Tacoma, and Washington State University-Puyallup to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity. This includes developing a standard method for the laboratory measurement of 6PPD-quinone and related chemicals. The department will submit a report to the appropriate committees of the legislature by November 1, 2022.

(24) \$1,090,000 of the general fund—state appropriation for fiscal year 2022 and \$1,090,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to create a database, monitoring program, and laboratory assessment method regarding polychlorinated biphenyls (PCB). Within the amount provided in this subsection, \$440,000 is provided to enhance the environmental information management database; \$1,200,000 is provided to create a long-term statewide PCB monitoring program; and \$540,000 is provided for developing a PCB specific laboratory method for conducting analysis. The department must coordinate with the department of fish and wildlife on the implementation of this subsection and for recommending PCB clean-up projects for legislative funding in subsequent appropriations.

(25) \$847,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5022 (recycling, waste, & litter). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(26) \$11,716,000 of the general fund—state appropriation for fiscal year 2022, \$6,284,000 of the general fund—state appropriation for fiscal year 2023, and \$5,139,000 of the climate investment account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) \$95,000 of the general fund—state appropriation for fiscal year 2022, \$105,000 of the general fund—state appropriation for fiscal year 2023, \$61,000 of the waste reduction, recycling, and litter control account—state appropriation, \$231,000 of the water quality permit account—state appropriation, \$31,000 of the hazardous waste assistance account—state appropriation, \$31,000 of the oil spill prevention account—state appropriation, and \$983,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) \$43,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) \$52,000 of the general fund—state appropriation for fiscal year 2022, \$52,000 of the general fund—state appropriation for fiscal year 2023, \$8,000 of the reclamation account—state appropriation, \$8,000 of the flood control assistant account—state appropriation, \$32,000 of the waste reduction, recycling, and litter control account—state appropriation, \$4,000 of the worker and community right-to-know account—state appropriation,

\$120,000 of the water quality permit account—state appropriation, \$10,000 of the underground storage tank account—state appropriation, \$6,000 of the bio solids permit account—state appropriation, \$18,000 of the hazardous waste assistance account—state appropriation, \$52,000 of the radioactive mixed waste account—state appropriation, \$10,000 of the air pollution control account—state appropriation, \$20,000 of the oil spill prevention account—state appropriation, \$12,000 of the air operating permit account—state appropriation, \$514,000 of the model toxics control operating account—state appropriation, and \$80,000 of the water pollution control revolving administration account—state appropriation are provided solely for the department to maintain and license the new eHub system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to enter into a contract with a qualified third party to develop standards that provide a framework for assessing the quality of volume, validity, and durability of potential future carbon dioxide removal projects. The resulting product should be adequate to allow in-state entities to analyze proposed carbon removal project for conformity with state carbon reduction laws, rules, and goals. The selected vendor should build upon previously completed analyses by the state of Washington and the federal government.

(31) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to:

(a) Develop recommendations and implement actions under existing authority to modify the process for the review of water banks to ensure that key information is made available to the public. The changes should consider requirements such as:

(i) A description of a proposed banking and operations plan, including the needs and customers the bank intends to serve, the geographic area to be served, the portfolio of available mitigating rights and their allowed uses, any anticipated change in use of available mitigating rights, any limitations the bank intends to impose in offering water rights for use, and anything else the department deems necessary to promote transparency and the public interest;

(ii) Reporting requirements that include any changes in the intended customers or needs being serviced by the bank, any change in the geographic area to be served, any anticipated change in the use of available mitigating rights, any change in limitation the banks intends to impose in offering water right for use, and any other change the department deems necessary to promote transparency and the public interest; and

(iii) Reporting requirements for publishing each change and providing notice to pertinent parties and soliciting public comment.

(b) The department must build off its work directed under chapter 357, Laws of 2020 to refine recommendations on improving the state's framework for water banking, water trust, and water right transfers. Recommendations should address issues of private investment in water banking and the merits of incentives and regulations pertaining to the out-of-basin transfer of water rights. In refining its recommendations, the department shall consult with tribes and consider input from stakeholders with expertise in water banking.

(c) By December 31, 2021, the department shall update the appropriate committees of the legislature on its progress on refining policy recommendations under this section, including any recommended statutory changes, and on the status of the pilot grant program established under subsection (32) of this section.

(d) By December 1, 2022, the department shall submit a report to the appropriate committees of the legislature on work conducted pursuant to this section and on the pilot grant program established under this section. The report should include but is not limited to a summary of water banking activity funded including success and challenges, a summary of outcomes of the pilot grant program, a summary of actions taken under current authority, and policy recommendations. The policy recommendations may also come in the form of agency request legislation.

(32) \$4,500,000 of the general fund—state appropriation for fiscal year 2022 and \$4,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer the pilot grant program for water banking strategies to meet water needs as described in this section. Within available appropriations, grants must be awarded to qualified applicants according to (c) of this subsection. Grant awards must be limited to not more than \$2,000,000 per applicant.

(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5) that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. A major watershed has the same meaning as shoreline of the state in RCW 90.58.030(2)(f)(v) (A) and (B);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include but are not limited to agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(c) To be qualified for these funds, an applicant must also show:

(i) That the applicant has sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(ii) That the applicant has secured a valid interest to purchase a water right;

(iii) That the water rights appear to be adequate for the intended use;

(iv) That the applicant agrees to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife; and

(v) That the applicant is a public entity or a participant in a public/private partnership with a public entity.

(33) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to:

(a) Establish and administer a pilot grant program for implementing water banking strategies to meet local water needs;

(b) Review water banking grant applications submitted under this section, including evaluation of water right suitability; and

(c) Develop and finalize water banking agreements, trust water right agreements, and other necessary legal instruments with entities selected to receive grants under this section.

(34) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to designate a regional clean air agency to convene a stakeholder group to assess and develop recommendations for reducing and mitigating air quality impacts in the form of noxious odors resulting from asphalt plants in the Puget Sound region. The stakeholder group

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should include representatives from the asphalt industry, cities within a county in the region in which an asphalt plant is located, the Puget Sound clean air agency, local and state health departments, research institutions, and a community or environmental organization representative with expertise in air pollution, toxicology, or other relevant fields. The recommendations must address steps needed for asphalt production facilities to develop odor control plans and best management practices to reduce noxious odors that negatively impact neighboring residents, businesses and persons utilizing publicly owned recreational facilities. A report containing recommendations must be submitted to the appropriate committees of the legislature by December 1, 2021.

NEW SECTION. Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

General Fund—Federal Appropriation	\$638,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation.....	\$957,000
Pollution Liability Insurance Program Trust Account—State Appropriation.....	\$1,392,000
TOTAL APPROPRIATION.....	\$2,987,000

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2022)....	\$29,059,000
General Fund—State Appropriation (FY 2023)....	\$29,036,000
General Fund—Federal Appropriation	\$7,058,000
Winter Recreation Program Account—State Appropriation.....	\$3,303,000
ORV and Nonhighway Vehicle Account—State Appropriation.....	\$369,000
Snowmobile Account—State Appropriation	\$5,645,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$367,000
Parks Renewal and Stewardship Account—State Appropriation.....	\$125,451,000
Parks Renewal and Stewardship Account—Private/Local Appropriation.....	\$420,000
TOTAL APPROPRIATION.....	\$200,708,000

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

(1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$406,000 of the general fund—state appropriation for fiscal year 2022, \$322,000 of the general fund—state appropriation for fiscal year 2023, and \$88,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(4) \$272,000 of the general fund—state appropriation for fiscal year 2022 and \$272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an update to the Seashore conservation area survey and plan.

(5) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to hire a diversity, equity, and inclusion coordinator to expand the diversity of the agency's workforce.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the facilitation of a work group that includes representation from the state parks and recreation commission, the commission on African American affairs, and stakeholders with expertise of the black experience in outdoor recreation to identify barriers to inclusion and develop recommendations to increase participation of Black Washingtonians in the state parks system and other outdoor recreation spaces and public parks. The work group will be selected by the governor's office and will consist of at least twelve participants representing diverse geographic, socioeconomic, and experiential backgrounds. The parks commission will enter into an interagency agreement with the commission on African American affairs to procure a contractor to facilitate the work group and develop a report with recommendations. The amount provided in this subsection may also be used for a survey or focus group to assess the needs of Black Washingtonians related to state parks and outdoor recreation. The work group will submit a report to the governor's office and appropriate committees of the legislature no later than January 1, 2022.

(7) \$7,900,000 of the general fund—state appropriation for fiscal year 2022 and \$7,900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to increase customer service, conduct more custodial maintenance, expand interpretive services, accelerate work on preventative maintenance and improve the conditions of park facilities, and expand public safety.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2022)	\$4,119,000
General Fund—State Appropriation (FY 2023)	\$3,655,000
General Fund—Federal Appropriation.....	\$3,716,000
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$320,000
Firearms Range Account—State Appropriation.....	\$37,000
Recreation Resources Account—State Appropriation	\$3,999,000
NOVA Program Account—State Appropriation	\$1,444,000
Youth Athletic Facility Nonappropriated Account—State Appropriation	\$181,000
TOTAL APPROPRIATION	\$17,495,000

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

(1) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pass through to the Spokane tribe of Indians for a pilot study of salmon migratory behavior and survival upstream of the Chief Joseph and Grand Coulee dams.

(2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to conduct a comprehensive equity review of state grant programs administered by the office. The office may, in consultation with the interested parties identified in (d) of this subsection, contract with a consultant to assist with the community engagement and review necessary to complete this review process.

(b) The purposes of this comprehensive equity review are:

(i) To reduce barriers to historically underserved populations' participation in recreation and conservation office grant programs;

(ii) To redress inequities in existing recreation and conservation office policies and programs; and

(iii) To improve the equitable delivery of resources and benefits in these programs.

(c) In completing the comprehensive equity review required under this section, the office shall:

(i) Identify changes to policy and operational norms and practices in furtherance of the equity review purposes identified in (b) of this subsection;

(ii) Identify new investments and programs that prioritize populations and communities that have been historically underserved by conservation and recreation policies and programs; and

(iii) Include consideration of historic and systemic barriers that may arise due to any of the following factors: Race, ethnicity, religion, income, geography, disability, and educational attainment.

(d) The office must collaborate with: (i) The Washington state commission on African American affairs; (ii) the Washington state commission on Asian Pacific American affairs; (iii) the Washington state commission on Hispanic affairs; (iv) the governor's office of Indian affairs; (v) the governor's committee on disability issues and employment; (vi) the office of equity; (vii) the office of minority and women's business enterprises; (viii) the environmental justice council if established by passage of Engrossed Second Substitute Senate Bill No. 5141; and (ix) other interested parties as appropriate to develop and conduct a community engagement process to inform the review.

(e) The office must complete the comprehensive equity review under this section and submit a final report, containing all of the elements and considerations specified in this section, to the legislature by June 30, 2022.

(3) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund—federal appropriation, \$12,000 of the general fund—private/local appropriation, and \$112,000 of the aquatic lands enhancement account—state appropriation are provided solely for the implementation of Senate Bill No. 5063 (invasive species council expiration). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(6) \$3,999,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(7) \$1,444,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(8) \$1,809,000 of the general fund—state appropriation for fiscal year 2022 and \$1,809,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to a nonprofit organization with a mission for salmon and

steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood Canal bridge.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$140,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

(11) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(12) \$30,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office to facilitate the transfer of management authority over the project known as the beach lake conservation area from the current owner to a local public government entity. If the current owner does not accept the offer to transfer management authority, then the office must pursue all legal means to enforce the right of public access consistent with the deed restrictions as set forth in the contract PSAR #15-1045. The amount provided in this subsection is intended to secure daily public access, during daylight hours, with minimal closures to the beach lake conservation area.

(13) \$345,000 of the general fund—state appropriation for fiscal year 2022 and \$345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the connections program to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine and Mount Baker school districts. Of the amounts provided in this subsection, \$25,000 in each fiscal year is provided solely for an organization in Whatcom county that increases access to environmental education.

NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2022)	\$2,686,000
General Fund—State Appropriation (FY 2023)	\$2,728,000
TOTAL APPROPRIATION	\$5,414,000

NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2022)	\$10,859,000
General Fund—State Appropriation (FY 2023)	\$10,797,000

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General Fund—Federal Appropriation	\$2,482,000
General Fund—Private/Local Appropriation.....	\$100,000
Public Works Assistance Account—State Appropriation	\$8,450,000
Model Toxics Control Operating Account—State Appropriation.....	\$1,110,000
TOTAL APPROPRIATION.....	\$33,798,000

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

(1) \$100,000 of the general fund—private/local appropriation is provided solely for the sustainable farms and fields program created in RCW 89.08.615.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for conservation district technical assistance, project cultural resources review, project engineering, agency administration, and cost-share grants to landowners for recovery from wildfire damage, including, but not limited to, rebuilding fences, seeding unstable slopes, controlling weeds, and planting shrubs and trees for wildlife habitat.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to:

(a) Enter into an agreement with the department of ecology for a water bank in Okanogan county, which must focus solely on retaining agricultural water rights for use by other agricultural producers in the watershed of origin; and

(b) Report to the appropriate committees of the legislature by December 31, 2022, on the effectiveness of the Okanogan water bank at retaining agricultural water rights, and the potential for developing additional water banks in Washington using this model.

(4) \$8,450,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(5) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to share evenly with conservation districts to increase assistance to landowners to achieve environmental stewardship and agricultural sustainability.

(7) \$23,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2022)....	\$89,387,000
General Fund—State Appropriation (FY 2023)....	\$87,617,000
General Fund—Federal Appropriation	\$130,092,000
General Fund—Private/Local Appropriation.....	\$62,539,000
ORV and Nonhighway Vehicle Account—State Appropriation.....	\$646,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$12,240,000
Recreational Fisheries Enhancement Account—State Appropriation.....	\$3,300,000

Warm Water Game Fish Account—State Appropriation	\$2,779,000
Eastern Washington Pheasant Enhancement Account—State Appropriation	\$675,000
Limited Fish and Wildlife Account—State Appropriation	\$32,825,000
Special Wildlife Account—State Appropriation	\$2,891,000
Special Wildlife Account—Federal Appropriation ...	\$518,000
Special Wildlife Account—Private/Local Appropriation	\$3,634,000
Wildlife Rehabilitation Account—State Appropriation	\$661,000
Ballast Water and Biofouling Management Account—State Appropriation	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,163,000
Aquatic Invasive Species Management Account—State Appropriation	\$1,037,000
Model Toxics Control Operating Account—State Appropriation	\$2,969,000
Fish, Wildlife, and Conservation Account—State Appropriation	\$75,023,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION	\$515,531,000

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

(1) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics, equip). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(2) \$29,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (uses of force by officers). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$534,000 of the general fund—state appropriation for fiscal year 2022 and \$472,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$1,777,000 of the general fund—state appropriation for fiscal year 2022 and \$1,777,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation. It is the intent of the legislature to continue this funding in future biennia.

(5) \$330,000 of the general fund—state appropriation for fiscal year 2022 and \$330,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas.

It is the intent of the legislature to continue this funding in future biennia.

(6) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas. It is the intent of the legislature to continue this funding in future biennia.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the department for hatchery maintenance.

(8) \$467,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(9) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(10) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(11) \$378,000 of the general fund—state appropriation for fiscal year 2022 and \$378,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating budget impacts from capital budget projects funded in the 2019-2021 fiscal biennium.

(12) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department must provide focus on minimizing wolf-livestock issues in the Kettle range. The department is discouraged from the use of firearms from helicopters for removing wolves.

(13) \$251,000 of the general fund—state appropriation for fiscal year 2022 and \$251,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(14) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(15) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(16) \$603,000 of the general fund—state appropriation for fiscal year 2022 and \$603,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks of permit noncompliance.

(17) \$470,000 of the general fund—state appropriation for fiscal year 2022 and \$470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in Puget Sound and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(18) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses to mitigate for policy restrictions on the use of gill nets in the mainstem lower Columbia river. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2016-2020 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future fishery participation with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. The department may not purchase a gill net license for an amount exceeding 3.5 times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Columbia river fisheries from 2016 through 2020. The purchase price shall be \$3,000 for Grays harbor-Columbia river or Willapa bay-Columbia river salmon gill net licenses without Columbia river salmon landings in Washington from 2016-2020. Consistent with the mitigation purpose of the buyback and the intent of Columbia river fishery reforms, the department may only authorize mainstem gill and drift net fisheries in zones four and five targeting upriver bright fall chinook and allocate no more than 20 percent of allowable impacts to off-channel and mainstem fall commercial fisheries.

(19) \$518,000 of the general fund—state appropriation for fiscal year 2022 and \$519,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(20) \$271,000 of the general fund—state appropriation for fiscal year 2022 and \$271,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 291, Laws of 2019 (southern resident orca whales—protection from vessels), contracts with nonprofit organizations to monitor vessel traffic and educate boaters to be whale wise, and participation in other orca recovery efforts.

(21) Within amounts appropriated in this section, the department, in coordination with statewide law enforcement agencies, must provide a report to the legislature by January, 2022 on the number of cougars reported to the department as harvested by local government law enforcement agencies, training opportunities provided to local law enforcement agencies, and how cougar removals by local enforcement agencies impact the department's cougar management strategies.

(22) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement priority actions in the state pinto abalone recovery plan. Of the amounts provided, \$85,000 each fiscal year must be used to locate, monitor, and safeguard wild populations of pinto abalone along the strait of Juan de Fuca,

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outer coast, and San Juan islands and the remaining amounts must be granted to the Puget Sound restoration fund to increase production, diversity, and resilience of out-planted abalone.

(23) \$315,000 of the general fund—state appropriation for fiscal year 2022 and \$315,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to research and monitor the impacts of polychlorinated biphenyls (PCB) on indicator species. The department must coordinate with the department of ecology on implementation of this subsection.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct an evaluation of the forest practices adaptive management program. The evaluation will be carried out generally consistent with the proposal provided to the timber, fish, and wildlife (TFW) policy committee in January 2020 titled *Assessing Changes in Uncertainty During Adaptive Management: A Case Study of the Washington State Forest Practices Habitat Conservation Plan*. To the extent practicable, the evaluation shall satisfy the cooperative monitoring, evaluation, and research five-year peer review process as required in WAC 222-12-045(2)(f), and support other ongoing forest practices adaptive management program evaluation and improvement efforts. The department shall consult with TFW policy caucus participants during the evaluation and provide for public review and comment of the draft report. A progress report shall be delivered to TFW policy participants and appropriate committees of the legislature by December 31, 2022, and a final report by June 30, 2023.

(25) \$1,175,000 of the general fund—state appropriation for fiscal year 2022 and \$1,175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to restore shrubsteppe habitat and associated wildlife impacted by wildfires.

(a) This funding is intended for the restoration of habitat on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

(b) Restoration actions may include: (i) Increasing the availability of native plant materials; (ii) increasing the number of certified and trained personnel for implementation at scale; (iii) support for wildlife-friendly fencing replacement; (iv) support for private landowners/ranchers to defer wildland grazing and allow natural habitat regeneration; and (v) species-specific recovery actions.

(c) The department must submit a progress report to the appropriate committees of the legislature on the investments made under this subsection by December 1, 2022, with a final report submitted by September 1, 2023.

(d) Within the amounts provided in this subsection, \$250,000 must be used by the department to form a collaborative group process representing diverse stakeholders and facilitated by a neutral third-party to develop a long-term strategy for shrubsteppe conservation and fire preparedness, response, and restoration to meet the needs of the state's shrubsteppe wildlife and human communities. The collaborative may serve as providing expertise and advice to the wildland fire advisory committee administered by the department of natural resources and build from the wildland fire 10-year strategic plan. Components to be addressed by the collaborative include the restoration actions described in (b) of this subsection and on spatial priorities for shrubsteppe conservation, filling gaps in fire coverage, management tools to reduce fire-prone conditions on public and private lands, and identifying and making recommendations on any other threats.

Any reports and findings resulting from the collaborative may be included in the report specified in (c) of this subsection.

(26) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with the Washington state academy of sciences to provide policymakers with a report on current evidence on pinniped predation of salmon, with an emphasis on Washington's portion of the Salish sea and Washington's outer coast. The academy must provide an independent study that reviews the existing science regarding pinniped predation of salmonids, including what is known about pinniped predation of salmonids, and with what level of certainty; where the knowledge gaps are; where additional research is needed; how the science may inform decisionmakers; and assessment of the scientific and technical aspects of potential management actions. Early in this process, the academy must convene separate meetings with comanagers and scientists to share relevant research and data and provide context for the academy's work.

(27) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$70,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) \$21,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5273 (shoreline armoring). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(29) \$44,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute Senate Bill No. 5381 (fish passage project permits). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) \$132,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(31) \$600,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to conduct a pilot project to test New Zealand style elk fencing, similar to the style used by the United States Department of Agriculture at the Starkey Experimental Forest and Range, including materials and construction techniques, and determine the cost and effectiveness of the fence design in reducing damage to school property and agricultural lands within the range of the north Cascades elk herd. The department of fish and wildlife shall work with at least one agricultural property owner in Skagit county with property abutting state highway 20 and one school district located in Skagit county with enrollment of less than 650 students that volunteer to build and test the elk fence design and, in compliance with RCW 43.01.036, report back to the natural resources committees of the legislature by November 1, 2022, on the results of the pilot project.

(32) \$155,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to control against chronic wasting disease in native species of the state.

(33) \$1,682,000 of the fish, wildlife and conservation account—state appropriation is provided solely for the

department to work with stakeholders to improve steelhead spawning estimates for improved fishing regulations such that enhanced conservation and equitable fisheries are established.

(34) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist local jurisdictions in responding to cougar related public safety issues. The funding is available to a local jurisdiction if they have a signed agreement with the department that recognizes cougar management authority is vested in the department and provides criteria to determine if a cougar creates an actionable public safety risk eligible for financial assistance. For the purposes of this subsection, a cougar presence on private property alone does not create an actionable public safety risk.

(35) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete the final phase of the Cowlitz river salmon and steelhead hook mortality study. No less than \$60,000 of the amount provided in this subsection is provided for the original contractor of the study to complete their work. A final report shall be provided to the appropriate committees of the legislature by December 31, 2022.

(36) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(37) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to develop a plan to protect native and hatchery produced steelhead for each river system of Grays harbor, Willapa bay, and coastal Olympic peninsula. The plan must adequately protect those fisheries for healthy runs year-after-year as well as provide reasonable fishing opportunities. The plan must include active stakeholder input and include an outreach strategy sufficient to keep conservation and angler interests well informed of proposed changes in advance of annual fishing seasons. The plan must be reported to the appropriate committees of the legislature by December 1, 2022.

NEW SECTION. Sec. 309. FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2022).....	\$5,592,000
General Fund—State Appropriation (FY 2023).....	\$5,464,000
General Fund—Federal Appropriation	\$12,701,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$1,437,000
Model Toxics Control Operating Account—State Appropriation.....	\$1,295,000
TOTAL APPROPRIATION.....	\$26,489,000

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

(1) \$209,000 of the general fund—state appropriation for fiscal year 2022 and \$209,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-2025 capital and operating budget requests related to Puget Sound recovery and restoration.

(3) \$304,000 of the general fund—state appropriation for fiscal year 2022 and \$272,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to develop and implement an action plan that

advances diversity, equity, and inclusion and environmental justice in Puget Sound recovery efforts.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound partnership to implement shipping noise-reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington Maritime Blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington Maritime Blue will support a quiet sound advisory committee that should include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

(6) \$393,000 of the general fund—state appropriation for fiscal year 2022 and \$295,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2022) ..	\$134,520,000
General Fund—State Appropriation (FY 2023) ..	\$153,194,000
General Fund—Federal Appropriation.....	\$42,668,000
General Fund—Private/Local Appropriation	\$3,161,000
Forest Development Account—State Appropriation	\$53,180,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$7,063,000
Surveys and Maps Account—State Appropriation.	\$2,131,000
Aquatic Lands Enhancement Account—State Appropriation	\$8,641,000
Resource Management Cost Account—State Appropriation	\$108,931,000
Surface Mining Reclamation Account—State Appropriation	\$4,141,000
Disaster Response Account—State Appropriation	\$23,110,000
Contract Harvesting Revolving Nonappropriated Account—State Appropriation	\$186,000
Forest and Fish Support Account—State Appropriation	\$11,182,000
Aquatic Land Dredged Material Disposal Site Account— State Appropriation	\$404,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$46,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$191,000
State Forest Nursery Revolving Nonappropriated Account—State Appropriation	\$75,000
Access Road Revolving Nonappropriated Account—State Appropriation	\$233,000
Forest Practices Application Account—State Appropriation	\$1,978,000
Air Pollution Control Account—State Appropriation	\$895,000
Forest Health Revolving Nonappropriated Account— State Appropriation	\$240,000

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Model Toxics Control Operating Account—State	
Appropriation.....	\$21,407,000
NOVA Program Account—State Appropriation	\$779,000
Derelict Vessel Removal Account—State Appropriation	
.....	\$1,997,000
Community Forest Trust Account—State Appropriation	
.....	\$52,000
Agricultural College Trust Management Account—State	
Appropriation.....	\$3,171,000
Natural Resources Federal Lands Revolving	
Nonappropriated Account—State Appropriation.....	\$16,000
TOTAL APPROPRIATION.....	\$583,592,000

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

(1) \$1,857,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$55,791,000 of the general fund—state appropriation for fiscal year 2022 and \$74,632,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute House Bill No. 1168 (long-term forest health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) \$873,000 of the general fund—state appropriation for fiscal year 2022 and \$1,816,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1216 (urban and community forestry). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(4) \$176,000 of the forest development account—state appropriation, \$164,000 of the aquatic lands enhancement account—state appropriation, \$377,000 of the resource management cost account—state appropriation, and \$22,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1355 (noxious weeds). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$12,000 of the aquatic lands enhancement account—state appropriation and \$10,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1382 (salmon recovery projects). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(7) \$1,583,000 of the general fund—state appropriation for fiscal year 2022 and \$1,515,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(8) \$20,668,000 of the general fund—state appropriation for fiscal year 2022, \$20,668,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed. The amounts provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(9) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(10) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(11) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$448,000 of the general fund—state appropriation for fiscal year 2022 and \$448,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders through learning-based collaboration. The department may retain up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(13) \$185,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(14) The appropriations in this section include sufficient funding for the department to review its burn permit fee schedule, and to develop options and recommendations on changes to the fee schedule to meet the requirement in RCW 70A.15.5020. The agency must report on options and recommendations to the office of financial management and the appropriate committees of the legislature by September 1, 2021.

(15) \$569,000 of the model toxics control operating account—state appropriation is provided solely to implement recommendations in the aerial herbicides in forestlands report submitted to the legislature in December 2019 from the aerial herbicide application working group. Specific work will include researching alternatives to chemicals for control of unwanted competing vegetation, compliance monitoring of aerial herbicides application, and updating the pesticide board manual.

(16) \$925,000 of the general fund—state appropriation for fiscal year 2022 and \$779,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to undertake geologic research to understand the geology and hydrology of the Columbia basin with regard to geothermal and groundwater resources. Funding must also be used for outreach and education to industries and regional communities to increase awareness of underground resources, how to access and use them, and the regulatory processes for doing so.

(17) \$77,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, \$82,000 of the forest development account—state appropriation, \$10,000 of the ORV and nonhighway vehicle account—state appropriation, \$19,000 of the aquatic lands enhancement account—state appropriation, \$189,000 of the resource management cost account—state appropriation, \$7,000 of the surface mining reclamation account—state appropriation, \$9,000 of the forest and fish support account—state appropriation, \$43,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$13,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$45,000 of the access road revolving nonappropriated account—state appropriation, \$26,000 of the forest health revolving nonappropriated account—state appropriation, and \$9,000 of the model toxics control operating account—state appropriation are provided solely for the department to move its data center currently located in the natural resources building to the state data center located in the Jefferson building as required by office of the chief information officer policy 184 and RCW 43.105.375. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(18) \$466,000 of the general fund—state appropriation for fiscal year 2022, \$125,000 of the general fund—state appropriation for fiscal year 2023, \$364,000 of the forest development account—state appropriation, \$254,000 of the aquatic lands enhancement account—state appropriation, \$754,000 of the resource management cost account—state appropriation, \$27,000 of the surface mining reclamation account—state appropriation, \$186,000 of the contract harvesting revolving nonappropriated account—state appropriation, \$148,000 of the forest fire protection assessment nonappropriated account—state appropriation, \$62,000 of the state forest nursery revolving nonappropriated account—state appropriation, \$188,000 of the access road revolving nonappropriated account—state appropriation, \$214,000 of the forest health revolving nonappropriated account—state appropriation, and \$16,000 of the natural resources federal lands revolving nonappropriated account—state appropriation are provided solely for the department to replace the NaturE revenue and leasing

administration system and integrate with the new One Washington financial system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(19)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain existing administrative facility infrastructure operated by the six regions of the department.

(b) The department's allocation of this appropriation and existing expenditure authority in certain other funds will be spread equitably across agency funds based on a model of positions by program or activity that utilize existing facility spaces within the agency's operating regions. The remaining costs at each site will remain the burden of existing management fund distribution. Department allocation of funds in this appropriation will be trackable by region and by project code.

(c) This appropriation is provided solely for the maintenance of existing administrative infrastructure, inclusive of ordinary maintenance, preventive maintenance, and maintenance services and inspections, minor repairs, system component replacement, and the delivery of utility and facility services.

(d) The department must provide a comparison of quarterly agency allotments and expenditures relating to this subsection, including a summary of the maintenance work for all regional facilities subject to this section to the office of financial management beginning in October 2021.

(20) \$175,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

(i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;

(ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;

(iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;

(iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and

(v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendation for any changes to statute by June 30, 2023.

(21) \$112,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Senate Bill No. 5158 (utility wildland fire cmte.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(22) \$407,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to complete development of a programmatic safe harbor agreement, and the associated environmental analysis and draft enrollment language for inclusion in the forest practices rules. Within the amount

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provided in this subsection, the department must provide \$182,000 to the department of fish and wildlife to assist in the development of the programmatic safe harbor agreement. The department must provide a report to the appropriate committees of the legislature by December 15, 2021, on the status of the rule making and the resources needed to implement the rule effective October 1, 2022.

(23) Within amounts appropriated in this section, the department on behalf of the forest practices board must provide an update to the natural resource policy committees of the legislature on the progress of its projects, including progress made to address recommendations from the 2021 state auditor's report on the adaptive management program, by December 1, 2021, and December 1, 2022.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant to local law enforcement agencies to assist in enforcing vessel registration laws. Funding is also provided for a pilot recycling project with a nonprofit maritime education center that has the capacity to coordinate with a local port and local businesses that can accommodate vessel waste material.

(25) Within amounts appropriated in this section, the department, acting in its capacity as the agency responsible for implementing Washington state's section 10 permit under the endangered species act for aquatic species, and for ensuring maintenance of clean water act assurances granted by the department of ecology, must report to the legislature by no later than June 30, 2022, on the status of forest practices board activities related to: (a) Permanent water typing rulemaking and associated board manual development and (b) rulemaking and associated board manual development regarding the protection of type N streams.

(26) Within amounts appropriated in this section, the department, in collaboration with motorized and nonmotorized outdoor recreation stakeholders, must submit to the appropriate committees of the legislature recommendations for the use of NOVA account appropriations, by September 30, 2022.

(27) \$2,336,000 of the general fund—state appropriation for fiscal year 2022 and \$1,591,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) \$180,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(29) \$34,000 of the general fund—state appropriation for fiscal year 2022 and \$8,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5452 (electric-assisted bicycles). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(30) \$1,765,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to:

(a) Replace the statewide forest practices permit database system. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act; and

(b) Provide a recommendation for ways that the forest products industry could help cover the cost of the new forest practice online system. The recommendation must include proposed changes to

the fees that are paid for forest practice applications and notifications, as well as a description and table that illustrates the operating costs of the program and how those costs are covered by fund source including fee revenue. The recommendation must be reported to the fiscal committees of the legislature by December 1, 2021, and may be included as a decision package to the office of financial management for consideration in the governor's proposed 2022 supplemental operating budget.

(31) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of entering into such stewardship agreements with individual neighboring landowners who would take on the responsibility for protecting small segments of shared boundary with department managed lands. The pilot project must include identifying the legal limits and bounds of such stewardship agreements, identifying suitable areas, preparing and entering into shared stewardship agreements, and evaluating the costs and benefits of these agreements.

(a) The pilot project evaluation must include:

(i) A determination of an appropriate mechanism for the sale of valuable materials from state trust lands harvested under a stewardship agreement;

(ii) Identification of regulatory constraints, staffing levels necessary to administer a statewide program, and other limitations; and

(iii) Identification of legal risk and insurance and indemnification requirements that may be necessary on the part of private individuals entering into these agreements.

(b) The pilot project must include agreements on at least the Teanaway or Klickitat Community Forests and on state trust lands in the vicinity of the town of Darrington, Washington. The department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations for changes and statewide implementation by July 1, 2023.

(32) \$134,000 of the general fund—state appropriation for fiscal year 2022 and \$134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to grant non-tribal outcome-based performance participation grants for implementation of the forest practices adaptive management program. Of the amounts provided in this subsection, \$54,000 per fiscal year is provided for grants to the Washington farm forestry association and \$80,000 per fiscal year is provided for grants to the Washington state association of counties.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2022).....	\$21,046,000
General Fund—State Appropriation (FY 2023).....	\$20,632,000
General Fund—Federal Appropriation.....	\$35,878,000
General Fund—Private/Local Appropriation.....	\$193,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$2,692,000
Water Quality Permit Account—State Appropriation.	\$73,000
Model Toxics Control Operating Account—State Appropriation.....	\$9,410,000
Dedicated Marijuana Account—State Appropriation (FY 2022).....	\$621,000
Dedicated Marijuana Account—State Appropriation (FY 2023).....	\$627,000
Northeast Washington Wolf-Livestock Management Nonappropriated Account—State Appropriation.....	\$952,000

Coronavirus State Fiscal Recovery Fund—Federal

Appropriation..... \$90,000,000
 TOTAL APPROPRIATION..... \$182,124,000

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

(1) \$45,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to develop a state alternative to the United States department of agriculture farmers to families food box program and provide resources for hunger relief organizations, including organizations that serve BIPOC and other socially disadvantaged communities.

(2) \$5,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the farm-to-school program under RCW 15.64.060.

(3) \$8,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, prioritized for women, minority, and small business owners.

(4) \$9,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5)(a) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to coordinate with the office of equity, the conservation commission, underrepresented farmers and ranchers, organizations that represent historically underrepresented farmers and ranchers, farmworkers, and labor advocates to:

(i) Ensure inclusion of historically underrepresented farmers and ranchers in the agricultural industry;

(ii) Evaluate related boards, commissions, and advisory panels to ensure inclusion of historically underrepresented farmers and ranchers;

(iii) Include historically underrepresented farmers and ranchers in the development, implementation, and enforcement of food and agriculture laws, rules, regulations, policies, and programs; and

(iv) Consider ways to increase engagement in agricultural education and workforce development opportunities by communities who have been historically underrepresented in agriculture.

(b) The department must report to the governor and legislature, in accordance with RCW 43.01.036, by October 31, 2022, on its activities and efforts to include historically underrepresented farmers and ranchers. The report must describe the department's efforts to serve historically underrepresented farmers and ranchers, identify existing gaps and financial barriers to land ownership and obtaining equipment, and must include recommendations to improve outreach to and services for historically underrepresented farmers and ranchers.

(6) \$203,000 of the general fund—state appropriation for fiscal year 2022 and \$203,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a Japanese beetle monitoring and eradication program in central Washington.

(7) \$6,105,445 of the general fund—state appropriation for fiscal year 2022, \$6,105,905 of the general fund—state appropriation for fiscal year 2023, and \$23,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(8) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the

industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(9) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(10) \$952,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Fund the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020, at \$432,000 for fiscal year 2022 and fiscal year 2023. Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well-timed and placed preventative coverage on the landscape. The department retains the final decision-making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Contract with the northeast Washington wolf-cattle collaborative, a nonprofit organization, for \$320,000 for fiscal year 2022 and fiscal year 2023 for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves. The contract must provide that the organization share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2021, and December 31, 2022. Work is to be conducted solely on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county. This includes an area from the northern boundary of the Colville Confederated Tribes reservation, west of the Columbia river north to state route 20, and then west of United States route 395 to the Canadian border, and from the northern boundary of the Colville Confederated Tribes reservation east of state highway 21 to the Canadian border. Also included are federal grazing allotments and adjoining private lands in the Vulcan mountain area, an area which is north of the Kettle river where it enters the United States at Midway, British Columbia and leaves the United States near Danville, Washington.

(c) Within the amounts provided in this subsection, the department must provide \$120,000 in fiscal year 2022 and \$80,000 in fiscal year 2023 to the sheriffs offices of Ferry and Stevens counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(11) \$1,400,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to find a suitable replacement for imidacloprid to address burrowing shrimp in Willapa bay and Grays harbor and

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facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019. Up to eight percent of the total amount provided may be used by the departments of agriculture, commerce, ecology, and natural resources to cover overhead expenses relating to their continued participation in the working group for the 2021-2023 fiscal biennium.

(12) \$119,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recommendations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$24,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that is unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

(15) \$168,000 of the general fund—state appropriation for fiscal year 2022 and \$168,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to assist small and midsize farms and small and midsize processors in exploring options to expand capacity for processing meat or meat and poultry for sale and direct marketing efforts. In carrying out this duty, the department must:

(a) Assist farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of meat and poultry products;

(b) Assist in developing infrastructure including, but not limited to, custom meat facilities and slaughter facilities inspected by the United States department of agriculture as appropriate to increase direct marketing opportunities for farms;

(c) Assist processors in complying with federal, state, and local rules and regulations as they apply to processing meat and poultry and the marketing of meat and poultry;

(d) Assist in developing, in consultation with Washington State University extension, training opportunities or apprenticeship opportunities for slaughterers or inspectors;

(e) Provide information on direct marketing opportunities for farms;

(f) Identify and help reduce market barriers facing farms in direct marketing;

(g) Identify and help reduce barriers facing processors in operating slaughter facilities;

(h) Assist in developing and submitting proposals to grant programs to assist farm direct marketing efforts; and

(i) Perform other functions that will assist farms in directly marketing their meat and poultry products.

(16) \$1,832,000 of the general fund—state appropriation for fiscal year 2022 and \$1,832,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in consultation with the state conservation commission, to develop a grant program to provide funding to conservation districts or other entities to provide access to meat and poultry processing and inspection. In addition to other

funding needs to provide access to meat and poultry processing and inspection, grant funding may be used to establish a mobile slaughter unit or to provide needed infrastructure to provide for the retail sale of meat or poultry. The department must conduct outreach to gain input from other entities, such as conservation districts, Washington State University and the food policy forum in developing the grant program described in this subsection.

(17) \$152,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute Senate Bill No. 5192 (electric vehicle equipment). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2022)	\$2,901,000
General Fund—State Appropriation (FY 2023)	\$2,585,000
Architects' License Account—State Appropriation	\$1,263,000
Real Estate Commission Account—State Appropriation	
.....	\$13,532,000
Uniform Commercial Code Account—State Appropriation	
.....	\$3,121,000
Real Estate Education Program Account—State	
Appropriation	\$276,000
Real Estate Appraiser Commission Account—State	
Appropriation	\$1,876,000
Business and Professions Account—State Appropriation	
.....	\$23,882,000
Real Estate Research Account—State Appropriation	\$415,000
Firearms Range Account—State Appropriation	\$74,000
Landscape Architects' License Account—State	
Appropriation	\$80,000
Appraisal Management Company Account—State	
Appropriation	\$256,000
Concealed Pistol License Renewal Notification	
Account—State Appropriation	\$140,000
Geologists' Account—State Appropriation	\$149,000
Derelict Vessel Removal Account—State Appropriation	
.....	\$33,000
TOTAL APPROPRIATION	\$50,583,000

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

(1) \$140,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$16,000 of the general fund—state appropriation for fiscal year 2022, \$9,000 of the general fund—state appropriation for fiscal year 2023, \$13,000 of the architects' license account—state appropriation, \$121,000 of the real estate commission account—state appropriation, \$22,000 of the uniform commercial code account—state appropriation, \$16,000 of the real estate appraiser commission account—state appropriation, and \$227,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) The department shall inventory all business and professions fees and associated accounts including identification of all fees paid into each account, the amount and timing of the last fee increase, the estimated expenditures necessary to administer each fee based program, and the projected fee changes necessary to ensure positive account balances for each business and professions program account. The projection should include the

period beginning with the 2021-2023 fiscal biennium through the 2025-2027 biennium. A report to the governor and legislature is due December 1, 2021.

(4) \$157,000 of the uniform commercial code account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5355 (wage liens). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(5) \$267,000 of the real estate commission account—state appropriation is provided solely to implement Substitute Senate Bill No. 5378 (real estate broker renewal). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) \$808,000 of the general fund—state appropriation for fiscal year 2022 and \$551,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued implementation of the legacy firearms system until the modernization project is completed.

(7) \$28,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement Substitute House Bill No. 1107 (nonresident vessel permit provisions). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(8) \$30,000 of the architects' license account—state appropriation, \$297,000 of the real estate commission account—state appropriation, \$50,000 of the real estate appraiser commission account—state appropriation, and \$514,000 of the business and professions account—state appropriation are provided solely for implementation of House Bill No. 1399 (professional licensure/convictions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2022)....	\$59,974,000
General Fund—State Appropriation (FY 2023)....	\$60,590,000
General Fund—Federal Appropriation	\$16,707,000
General Fund—Private/Local Appropriation.....	\$3,091,000
Death Investigations Account—State Appropriation	\$7,906,000
County Criminal Justice Assistance Account—State Appropriation.....	\$4,533,000
Municipal Criminal Justice Assistance Account—State Appropriation.....	\$1,637,000
Fire Service Trust Account—State Appropriation.....	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
Disaster Response Account—State Appropriation .	\$8,500,000
Fire Service Training Account—State Appropriation	\$12,297,000
Model Toxics Control Operating Account—State Appropriation.....	\$567,000
Fingerprint Identification Account—State Appropriation.....	\$12,617,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$2,423,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$2,423,000
Washington Internet Crimes Against Children Account—State Appropriation.....	\$1,000,000
TOTAL APPROPRIATION.....	\$194,515,000

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

(1) \$8,500,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency

or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(3) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(4) \$356,000 of the general fund—state appropriation for fiscal year 2022, \$356,000 of the general fund—state appropriation for fiscal year 2023, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(5) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(6)(a) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(b) The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

(7) \$316,000 of the general fund—state appropriation for fiscal year 2023 and \$1,000,000 of the Washington internet crimes against children account—state appropriation are provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(8) \$1,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5055 (law enforcement grievances), which changes methods for selecting an arbitrator for labor disputes involving law enforcement disciplinary matters. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$163,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1223 (custodial interrogations). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(10) \$1,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000 of the general fund—state appropriation for

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fiscal year 2023 are provided solely for the implementation of Engrossed Substitute House Bill No. 1054 (peace officer tactics and equipment). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(11) \$2,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1310 (use of force). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(12) \$1,334,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures so far;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and
- (d) Other project details that the Washington state patrol finds important to relay.

(13) \$213,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state patrol to outsource death investigation cases to reduce the current backlog of cases awaiting toxicology testing.

(14) \$1,320,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for an enhanced forensic capabilities pilot program that provides expedited DNA technology and forensic services to assist in the processing of crime scene evidence, expediting investigative leads, and reducing the backlog of other cases. Prior to the purchase of the DNA technology and forensic services for the pilot program, the Washington state patrol must submit a plan to the legislature no later than December 31, 2021, that addresses the following operational issues of the program:

- (a) Protocols on the operation and use of the program while maintaining civil liberties and protecting individual privacy;
- (b) A description of how expedited DNA technology and forensic services will tie into the current operations of the state patrol's existing crime lab; and
- (c) Details of how the Washington state patrol will protect individual privacy and civil liberties in relation to the program described in this subsection.

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2022)....	\$31,237,000
General Fund—State Appropriation (FY 2023)....	\$30,769,000
General Fund—Federal Appropriation	\$105,917,000
General Fund—Private/Local Appropriation.....	\$8,060,000
Washington Opportunity Pathways Account—State Appropriation.....	\$265,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$520,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$533,000
Performance Audits of Government Account—State Appropriation.....	\$213,000
Workforce Education Investment Account—State Appropriation.....	\$3,812,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$4,631,000

TOTAL APPROPRIATION\$185,957,000

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

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) \$14,470,000 of the general fund—state appropriation for fiscal year 2022 and \$14,486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(vii) Within the amounts provided in this subsection (1)(a), \$318,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are for 2.0 FTE to support multi-tiered systems of support (MTSS) data management and implementation activities.

(viii) Within the amounts provided in this subsection (1)(a), \$79,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database.

(ix) Within the amounts provided in this subsection (1)(a), \$53,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a contract with regional and/or national experts to train the MTSS staff and staff from the center on the improvement of student learning on MTSS implementation science and evidence-based practices as distinct but

complementary to the Washington integrated student supports protocol.

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation

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for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$130,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to collaborate with the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long term strategies that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). The report, due September 1, 2022, shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies.

(f) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical

assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts provided in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state appropriation for fiscal year 2023, and \$1,053,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$520,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$533,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$142,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$275,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to convene and provide staff support to the K-12 basic education compensation advisory committee established in section 951 of this act.

(q) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. Within amounts provided in this subsection, the office shall administer

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competitive grant awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. The office shall utilize a portion of this funding to assess the learning outcomes related to civic education curriculum and to support related assessments that gauge the degree to which high quality civic education is taking place in school districts throughout the state.

(r) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide technical assistance to school districts through the center for the improvement of student learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional wellbeing.

(s) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$49,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1214 (K-12 safety & security serv.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(t) \$35,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute House Bill No. 1363 (secondary trauma/K-12). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(u) \$140,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1208 (learning assistance program). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(v) \$505,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1295 (institutional ed./release). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(w) \$60,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation is provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation is provided solely for the office to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and

(iii) \$10,000 of the general fund—state appropriation is provided solely for the office to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by October 1, 2022.

(x) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Substitute Senate Bill No. 5030 (school counseling programs). If the bill is

not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(y) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5237 (child care & early dev. exp.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) CAREER CONNECTED LEARNING

(a) \$852,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to establish pre-apprenticeship pathways and career connected learning programs in the skilled trades in Federal Way.

(d) \$1,500,000 of the workforce education investment account—state is provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION

General Fund—State Appropriation (FY 2022)	\$3,001,000
General Fund—State Appropriation (FY 2023)	\$5,003,000
Washington Opportunity Pathways Account—State	
Appropriation	\$322,000
TOTAL APPROPRIATION	\$8,326,000

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

(1) \$152,000 of the general fund—state appropriation for fiscal year 2022 and \$138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for the following: Continuation of the mastery-based learning work group (chapter 252, Laws of 2019), expansion of ongoing pathways research, and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2022.

(2) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$3,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19. The funds must be used for grants to school districts, professional development of school district staff, and implementation support provided by the state board of education. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may be made in partnership with private matching funds.

NEW SECTION. Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD

General Fund—State Appropriation (FY 2022)	\$16,868,000
General Fund—State Appropriation (FY 2023)	\$19,203,000
TOTAL APPROPRIATION	\$36,071,000

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

(1) \$1,693,000 of the general fund—state appropriation for fiscal year 2022 and \$1,725,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2022 and up to \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$622,000 of the general fund—state appropriation for fiscal year 2022 and \$622,000 of the general fund—state appropriation for fiscal year 2023 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) \$13,499,000 of the general fund—state appropriation for fiscal year 2022 and \$16,076,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection:

(a) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop an online course to train educators on effective community, family, and student engagement.

(b) \$12,587,000 of the general fund—state appropriation for fiscal year 2022 and \$15,414,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2020-21 and 2021-22 school years.

(6) \$54,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Second Substitute House Bill No. 1028 (residency teacher cert.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) \$63,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to develop standards for two specialty endorsements in computer science, one in elementary computer science and one in secondary computer science. The professional educator standards board shall consult with the superintendent of public instruction to confirm that the specialty

endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by the office of the superintendent of public instruction with industry input. The computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

(8) \$187,000 of the general fund—state appropriation for fiscal year 2022 and \$30,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5044 (schools/equity training). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State	Appropriation (FY 2022)	
.....	.....	\$9,852,652,000
General Fund—State	Appropriation (FY 2023)	
.....	.....	\$9,550,695,000
Education Legacy Trust Account—State	Appropriation	
.....	.....	\$1,398,115,000
TOTAL APPROPRIATION		\$20,801,462,000

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

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Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional

funding for guidance counselors for each level of prototypical school in the 2021-22 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2022-23 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.500	0.500	0.500

(C) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students.....	1.025
Skill Center students.....	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-

23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.52 percent in the 2021-22 school year and 11.96 percent in the 2022-23 school year for career and technical education students, and 17.86 percent in the 2021-22 school year and 17.26 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.71 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and 22.75 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 942 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	\$168.10
Utilities and Insurance	\$382.70	\$388.82
Curriculum and Textbooks	\$151.22	\$153.64
Other Supplies	\$299.50	\$303.29
Library Materials	\$21.54	\$21.89
Instructional Professional Development for Certificated and Classified Staff	\$23.39	\$23.76
Facilities Maintenance	\$189.59	\$192.62
Security and Central Office	\$131.35	\$133.45
TOTAL MSOC/STUDENT FTE	\$1,340.13	\$1,386.57

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,610.92 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,610.92 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	\$41.15
Curriculum and Textbooks	\$44.18	\$44.89
Other Supplies	\$86.06	\$87.43
Library Materials	\$5.99	\$6.09

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Instructional Professional Development for Certified and Classified Staff	\$7.36	\$7.48
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$184.09	\$187.04

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five

students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation

formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$16,211,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to ensure that school districts receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars. These funds are one-time allocations to school districts and may be used according to the allowable uses defined in section 2001(2)(e) of the American rescue plan act of 2021, P.L. 117-2. Prior to receiving funds, a school district must submit an academic and student well-being recovery plan to the office of the superintendent of public instruction as required in section 12(3), chapter 3, Laws of 2021, and must also report progress on implementing the plan in a manner identified by the superintendent.

(a) The office of the superintendent of public instruction must calculate a relief per pupil amount for each district defined as: The quotient from dividing the total funding allocated to each district from the federal relief funds, as defined in (b) of this subsection, by a school district's total enrollment as defined in (c) of this subsection. A school district with a relief per pupil amount less than \$500 shall receive the difference between \$500 and the relief per pupil amount, multiplied by the school district's total enrollment.

(b) For the purposes of this subsection, federal relief funds allocated to school districts include:

(i) Subgrants authorized under section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136;

(ii) Subgrants authorized under section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260; and

(iii) Subgrants authorized under section 2001, the American rescue plan act of 2021, P.L. 117-2.

(c) For the purposes of this subsection, a school district's total enrollment means the district's 2019-20 school year annual average full-time equivalent student enrollment, excluding full-time equivalent student enrollments for which funds are separately calculated and allocated under RCW 28A.232.020, 28A.600.310(4), 28A.245.020, and 28A.175.110.

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(d) For the purposes of this subsection, this subsection applies to state-tribal compact schools established under chapter 28A.715 RCW.

(23) \$27,806,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for enrollment stabilization allocations required in section 1519 of this act.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	\$70,040
Certificated Administrative	\$102,327	\$103,964
Classified	\$49,453	\$50,244

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 1, 2021, at 5:17 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.07 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and 19.25 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2022).. \$102,094,000
General Fund—State Appropriation (FY 2023).. \$310,929,000
TOTAL APPROPRIATION..... \$413,023,000

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

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 1.6 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of

salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2021-22 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in Engrossed Substitute Senate Bill No. 5044 (schools/equity training).

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.07 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.25 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 942 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$968 per month and for the 2022-23 school year, \$1,032 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five 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.

(6) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2022)..\$615,759,000
General Fund—State Appropriation (FY 2023)..\$649,872,000
TOTAL APPROPRIATION\$1,265,631,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs

for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2022 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2023 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The superintendent must provide student transportation allocations for the 2021-22 school year equal to the greater of allocations provided in the 2019-20 school year or the student transportation allocations calculated under RCW 28A.160.192. These allocations satisfy the formula requirements for transportation allocations under RCW 28A.160.192.

(11) \$33,858,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for transportation emergency allocations required in section 1504(12) of this act.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES

General Fund—State Appropriation (FY 2022)....	\$11,667,000
General Fund—State Appropriation (FY 2023)....	\$11,667,000
General Fund—Federal Appropriation	\$551,378,000
TOTAL APPROPRIATION.....	\$574,712,000

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

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2022 and \$11,548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in Engrossed House Bill No. 1342 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) \$119,000 of the general fund—state appropriation for fiscal year 2022 and \$119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

(5) \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for emergency costs for child nutrition programs provided under section 722 of P.L. 116-260, the consolidated appropriations act, 2021, title VII, chapter 3 to school food programs.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2022)	\$1,455,154,000
General Fund—State Appropriation (FY 2023)	\$1,537,068,000
General Fund—Federal Appropriation.....	\$571,229,000
Education Legacy Trust Account—State Appropriation	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation.....	\$7,000,000
TOTAL APPROPRIATION	\$3,625,145,000

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$63,338,000 of the general fund—state appropriation for fiscal year 2022, \$82,671,000 of the general fund—state appropriation for fiscal year 2023, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this

section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2022, \$87,000 of the general fund—state appropriation for fiscal year 2023, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$12,000,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's individualized education plan team. The extension of these services does not reduce or supplant any other services for which the individual would be eligible. Allocations for this purpose may not exceed the amounts provided in this subsection. The office of the superintendent of public instruction may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided in this subsection. Amounts provided in this subsection are outside the state's program of basic education.

(13)(a) \$52,704,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as

authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$4,411,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(14) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged three through 21 who spend the least amount of time in general education classrooms.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2022)....	\$28,636,000
General Fund—State Appropriation (FY 2023)....	\$28,636,000
TOTAL APPROPRIATION.....	\$57,272,000

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Beginning in fiscal year 2022, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement

comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in fiscal year 2022, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,150,000 of the general fund—state appropriation for fiscal year 2022 and \$2,150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for each educational service district to provide technology consultation, procurement, and training required under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2022) ..	\$271,870,000
General Fund—State Appropriation (FY 2023) ..	\$247,305,000
TOTAL APPROPRIATION	\$519,175,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2022)	\$17,779,000
General Fund—State Appropriation (FY 2023)	\$19,481,000
TOTAL APPROPRIATION	\$37,260,000

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

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an

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institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$3,157,000 of the general fund—state appropriation for fiscal year 2022 and \$3,613,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2022 and \$897,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students beginning in the 2021-22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

- (a) Advocacy for institutional education students to eliminate barriers to educational access and success;
- (b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;
- (c) Monitoring educational progress of participating students;
- (d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and
- (e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase materials, supplies, and operating costs by \$85 per pupil beginning in the 2021-22 school year for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to

institutional education programs, which exclude formula costs supported by the institutional facilities.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2022)	\$33,262,000
General Fund—State Appropriation (FY 2023)	\$33,711,000
TOTAL APPROPRIATION	\$66,973,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation.....	\$6,802,000
TOTAL APPROPRIATION	\$6,802,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2022) ..	\$137,813,000
General Fund—State Appropriation (FY 2023) ..	\$141,081,000
General Fund—Federal Appropriation.....	\$96,598,000
General Fund—Private/Local Appropriation	\$1,450,000
Education Legacy Trust Account—State Appropriation	\$1,638,000
TOTAL APPROPRIATION	\$378,580,000

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$75,374,000 of the general fund—state appropriation for fiscal year 2022 and \$78,547,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired

certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of \$5,796 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the

development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2022) ..	\$228,658,000
General Fund—State Appropriation (FY 2023) ..	\$233,390,000
General Fund—Federal Appropriation.....	\$102,242,000
TOTAL APPROPRIATION	\$564,290,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1)

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and (2) up to the following amounts: 1.77 percent for school year 2021-22 and 1.76 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2022).. \$446,816,000
General Fund—State Appropriation (FY 2023).. \$455,435,000
General Fund—Federal Appropriation \$533,481,000
TOTAL APPROPRIATION..... \$1,435,732,000

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

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of

the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations			
Per Annual Average Full-Time Equivalent Student			
Basic Education Program	2021-22 School Year	2022-23 School Year	
General	\$9,415	\$9,671	
Apportionment			
Pupil Transportation	\$587	\$595	
Special Education Programs	\$9,874	\$10,290	
Institutional Education Programs	\$22,730	\$23,220	
Programs for Highly Capable Students	\$611	\$623	
Transitional Bilingual Programs	\$1,430	\$1,442	
Learning Assistance Program	\$961	\$967	

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 942 of this act. The superintendent may not allocate, and districts may not expend, these amounts for

any other purpose beyond those authorized in section 942 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

NEW SECTION. Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation.....	\$140,838,000
TOTAL APPROPRIATION.....	\$140,838,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$23,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations required in section 1519 of this act.

(3) \$147,000 of the Washington opportunity pathways account—state appropriation is provided solely for transportation emergency allocations required in section 1516(3) of this act.

NEW SECTION. Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation.....	\$23,000
Charter Schools Oversight Account—State Appropriation.....	\$3,605,000
TOTAL APPROPRIATION.....	\$3,628,000

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

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under Engrossed Substitute Senate Bill No. 5044 (schools/equity training). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2022)....	\$80,319,000
General Fund—State Appropriation (FY 2023)....	\$52,691,000
General Fund—Federal Appropriation	\$989,995,000
Elementary and Secondary School Emergency Relief III—Federal Appropriation.....	\$1,850,386,000
TOTAL APPROPRIATION.....	\$2,973,391,000

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

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for

dual credit courses or exams. By November 2022, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(2)(a) \$2,752,000 of the general fund—state appropriation for fiscal year 2022 and \$2,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$800,000 of the fiscal year 2022 appropriation and \$800,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (i) through (iii) of this subsection (d), the skills center and high schools must be selected through a competitive grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (vi) of this subsection (d). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual

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startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) For (i) through (iii) of this subsection (d), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

(v) \$527,000 of the general fund—state appropriation for fiscal year 2022 and \$527,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to administer, evaluate, and promote programs under (i) through (iii) of this subsection (d) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. The office may also contract with an entity with experience promoting core plus programming across industry sectors and education providers to expand awareness and adoption of core plus programs.

(vi) The office shall convene and manage an advisory committee of industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, including grant determinations, reviewing data and outcomes, recommending program improvements, and ensuring the use of qualified contractors. The committee will advise the superintendent on appropriate credentials, industry-based competencies, and programs of study for high-demand sectors represented in these program areas.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(4)(a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance

assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$5,895,000 of the general fund—state appropriation for fiscal year 2022 and \$5,895,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established with funding provided in this act.

(e) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for maintaining and

implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students.

(b) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$362,000 of the general fund—state appropriation for fiscal year 2022 and \$362,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b)(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2021-22 and 2022-23 school years only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(ii) The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning

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opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$850,000 of the general fund—state appropriation for fiscal year 2022 and \$850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are

eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2021-22 school year to school districts by August 10, 2021, and grants for the 2022-23 school year by August 1, 2022.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iii) High schools located in school districts enrolling 5,000 or fewer students.

(b) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(c) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2018-19 or 2019-20 school year, whichever is higher, or \$10,000.

(d) The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district to codevelop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(17) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. The office must prioritize school districts that do not have existing research based social emotional learning programs and that are also eligible for high-poverty allocations from the learning assistance program.

(20) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with a nonprofit organization that specializes in using e-sports to engage students in seven career clusters to bring team-based, career related e-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for e-sports programs in the middle schools of the three school districts.

(21) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(22) The general fund—state appropriations in this section for fiscal year 2022 have been reduced by \$24,000 and the general fund—state appropriations in this section for fiscal year 2023 have been reduced by \$5,000 to reflect global compensation savings. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(24) \$9,850,000 of the general fund—state appropriation for fiscal year 2022 and \$9,850,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to administer the technology grant program established under Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(25) \$199,000 of the general fund—state appropriation for fiscal year 2022 and \$247,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the media literacy and digital citizenship grant program created in Engrossed Second Substitute House Bill No. 1365 (schools/computers & devices). Total grant awards may not exceed \$150,000. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for two regional conferences. If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) \$70,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the southwest boys & girls club to provide community mentoring, academic intervention, and

culturally specific supports through the "be great-graduate initiative" for a cohort of White Center youth identified as high risk.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local education agencies, approved professional learning providers, and institutions of higher education located in Washington state.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Highline school district to contract with an organization to offer pre-apprenticeship opportunities for two cohorts of students in south King county during the summer months of 2021.

(29) \$255,000 of the general fund—state appropriation for fiscal year 2022 and \$255,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continuation of the math improvement pilot program. The entirety of the funds appropriated for fiscal year 2022 must be disbursed by the office to the recipients of the grants no later than August 1, 2021, and the entirety of the funds appropriated for fiscal year 2023 must be disbursed by the office to the recipients of the grants no later than August 1, 2022. Of the amounts provided in the subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Spokane school district.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Chehalis school district.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Bremerton school district.

(30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant funding process in future biennia. A competitive process must allocate funding using the following five separate categories:

(a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;

(b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;

(c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;

(d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and

(e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout

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prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

(31) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the south Kitsap school district for the controls programmer apprenticeship program.

(32) \$800,000 of the general fund—state appropriation for fiscal year 2022 and \$800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under section 3 of Substitute House Bill No. 1356 (Native American names, etc.).

(33) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$12,885,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$742,367,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (33)(b) and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c)(i) \$46,263,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Total funds provided under this subsection (33)(c)(i) and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(ii) \$43,708,000 of the general fund—federal appropriation (ARPA) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(d) \$1,333,801,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies.

(e) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total funds provided under this subsection (33)(e) and section 1518(33)(b) of this act for the same purpose may not exceed the funding authorized in this subsection (33)(e).

(f) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(g) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs.

(h) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

(i) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities.

(j) \$4,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to the start of the school year.

(k) \$60,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup will provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

(l) \$78,172,000 of the general fund—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136, division B. Total funds provided under this subsection (33)(l) and amounts expended in the 2019-2021 fiscal biennium for the same purpose may not exceed the federal amounts provided in section 18003, the coronavirus response and relief supplemental appropriation act, P.L. 116-136, division B.

(m) \$10,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences. The association, in consultation with the office, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington school improvement framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including career connected learning in field based

environmental science, technology, engineering, and math. Funds may be used by residential outdoor schools for operational activities necessary for reopening.

(n) \$12,000,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(i) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(ii) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(o) \$27,375,000 of the general fund—state appropriation for fiscal year 2022, \$79,485,000 of the general fund—federal appropriation (CRRSA/ESSER), and \$93,140,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 605 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2023-2025 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipient grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

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(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

NEW SECTION. Sec. 602. (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in sections 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Appropriations in section 605 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part IX of this act.

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2022)..	\$742,558,000
General Fund—State Appropriation (FY 2023)..	\$768,651,000
Community/Technical College Capital Projects	
Account—State Appropriation	\$22,436,000
Education Legacy Trust Account—State Appropriation	
.....	\$159,208,000
Workforce Education Investment Account—State	
Appropriation.....	\$219,259,000
TOTAL APPROPRIATION.....	\$1,912,112,000

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial

aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2022, \$5,000,000 of the general fund—state appropriation for fiscal year 2023, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(4)(a) \$5,250,000 of the general fund—state appropriation for fiscal year 2022 and \$5,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the student achievement initiative.

(b) By December 1, 2021, the state board for community and technical colleges must report to the appropriate committees of the legislature an update on the student achievement initiative including, but not limited to, the following:

(i) Annual change in student achievement initiative funds by institution;

(ii) Student achievement initiative funds awarded by college by performance funding category including basic skills, first 15 and 30 credits, retention, and completion;

(iii) Impact of guided pathways implementation on student achievement initiative awards; and

(iv) Any additional private or foundation dollars invested in the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$20,759,000 of the general fund—state appropriation for fiscal year 2022 and \$21,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(15) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(17) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(18) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(20) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(22) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal 2023 are provided solely for a reentry navigator position at Olympic College to assist formerly incarcerated people gain admittance into college. A report shall be submitted to the legislature by December 1, 2022, on admittance rates on formerly incarcerated individuals, effective methods of contact and engagement of formerly incarcerated individuals, and how guided pathways can be assisted with reentry navigator positions.

(24) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(25) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to expand high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (26):

(a) \$6,000,000 of the amounts in this subsection (26) are provided for expansion of career launch enrollments, as provided under RCW 28C.30.020.

(b) \$2,000,000 of the amounts in this subsection (26) are provided for expansion of enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

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(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection (26) if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(27) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the state board for community and technical colleges to support the completion of the English 101 curriculum review to remove barriers to student success. A report should be submitted to the appropriate committees of the legislature under RCW 43.01.036 by June 30, 2023, or upon the completion of the English 101 review to report on lessons learned, best practices, and recommendations for completion of additional curricula reviews.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(29) \$10,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the state board for community and technical colleges to coordinate with the Washington student achievement council task force as described in section 612(6) of this act to provide the following running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent;

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of the superintendent of public instruction through local school districts;

(c) Course completion rates for running start students;

(d) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(e) A list of career and technical education area courses and the number of running start students in each course;

(f) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a); and

(g) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

(30) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$91,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) \$516,000 of the general fund—state appropriation for fiscal year 2022 and \$516,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(32) \$350,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(33) \$2,048,000 of the general fund—state appropriation for fiscal year 2022 and \$1,119,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No.

5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(34) \$15,848,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2022) ..\$394,246,000

General Fund—State Appropriation (FY 2023) ..\$403,164,000

Aquatic Lands Enhancement Account—State

Appropriation \$1,619,000

University of Washington Building Account—State

Appropriation \$1,546,000

Education Legacy Trust Account—State Appropriation

..... \$36,708,000

Economic Development Strategic Reserve Account—State

Appropriation \$3,094,000

Biotoxin Account—State Appropriation \$605,000

Dedicated Marijuana Account—State Appropriation

(FY 2022)..... \$263,000

Dedicated Marijuana Account—State Appropriation

(FY 2023)..... \$263,000

Accident Account—State Appropriation..... \$7,874,000

Medical Aid Account—State Appropriation \$7,468,000

Workforce Education Investment Account—State

Appropriation \$49,853,000

Geoduck Aquaculture Research Account—State

Appropriation \$15,000

TOTAL APPROPRIATION\$906,718,000

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

(1) \$43,087,000 of the general fund—state appropriation for fiscal year 2022 and \$43,905,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$7,345,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2022 and \$2,625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$172,000 of the general fund—state appropriation for fiscal year 2022 and \$172,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area.

(a) The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(13)(a) \$20,000,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(b) By December 1, 2022, the University of Washington must report to the appropriate committees of the legislature the impact of the funding in (a) of this subsection on the fiscal position of

Harborview medical center and the University of Washington medical center in the 2021-2023 fiscal biennium. To ensure transparency, consistency, accuracy, and clarity, the report must:

(i) Follow generally accepted accounting principles;

(ii) Use generally accepted terms and define those terms;

(iii) Provide data on revenue and expenses, using standard formats already in existence, such as comprehensive hospital abstract reporting system (CHARS) data, and delineated by functional areas of state government;

(iv) Incorporate wherever possible publicly available data, as a public institution including, but not limited to, the following sources:

(A) CHARS;

(B) Comprehensive annual financial reports; and

(C) The most recent independent auditor report, including financial statements connected to the report; and

(v) Provide supporting documentation.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(15) \$426,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(16) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(18) \$226,000 of the general fund—state appropriation for fiscal year 2022 and \$226,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(19) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for international trade in forest products.

(20) \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a firearm policy research program. The program will:

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(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(22) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(23) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment to provide an updated climate impacts risk assessment designed to inform future updates to the statewide climate resilience strategy. The group must coordinate with the office of the governor to refine the scope of assessment. The final report and associated deliverables must be completed and submitted to the governor and appropriate committees of the legislature by December 15, 2022.

(24) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(25) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(26) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(27) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(28) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(29) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(30) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(31) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs.

(33) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(34) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 100 degrees per year focusing on traditionally underrepresented students. A report on degrees awarded must be submitted to the appropriate committees of the legislature June 30, 2022, and June 30, 2023.

(35) \$45,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the community immersion law enforcement project at the Tacoma campus.

(36)(a) \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for research to determine the use and effectiveness of restorative justice, including for hate crime victims and individuals who commit hate crimes. Researchers shall engage in listening sessions with impacted communities, which must include tribal governments and community-based organizations. Researchers shall consult with judges, prosecutors, defense attorneys, victim advocates, impacted communities, and community based restorative justice agencies to inform whether restorative justice would be an effective public policy option to:

(i) Provide healing support for individual hate crime victims and their communities;

(ii) Provide accountability processes for individuals who commit hate crimes;

(iii) Provide opportunities for individuals who commit hate crimes to learn about the impact of their crimes and repair the damage;

(iv) Repair interpersonal and communal relationships;

(v) Reduce hate crime offender recidivism; and

(vi) Determine if restorative justice could be equally available to all victims and communities.

(b) The researcher shall provide a report to the relevant committees of the legislature under RCW 43.01.036 by December 1, 2021. The report must include best practice recommendations for establishing a restorative justice program and required data collection to address hate crimes in Washington. The report shall include how restorative justice recommendations can be implemented in conjunction with the recommendations of the hate crime advisory working group established in RCW 43.10.300.

(37) \$250,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for scholarships to students in the applied child and adolescent psychology masters program. Priority should be given to traditionally underrepresented students and those students who are bilingual.

(38) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(39) To ensure transparency and accountability, in the 2021-2023 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(40) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within 10 miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2021.

(41) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

(42)(a) \$100,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2021.

(43) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(44) \$143,000 of the general fund—state appropriation for fiscal year 2022 and \$143,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(46) \$64,000 of the general fund—state appropriation for fiscal year 2022 and \$64,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(47) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$443,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of the center for environmental forensic science.

(48) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college of education to partner with school districts to continue the math improvement pilot program.

(49) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to conduct monitoring and research related to Puget Sound kelp conservation and recovery.

(50) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to expand online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using a telehealth model operated by the University of Washington.

(a) Training shall:

(i) Focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations; and

(ii) Provide access to:

(A) University of Washington medicine specialists in infectious diseases, hepatology, and addiction medicine;

(B) Brief updates on evidence-based strategies to diagnose, treat, and manage acute and chronic hepatitis B, acute and chronic hepatitis C, or coinfections;

(C) Continuing medical education credits per hour of participation; and

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(D) Phone consultation with specialists during nonscheduled time for patients who experience complications.

(b) All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(51)(a) \$108,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the University of Washington Evans school of public policy and governance to conduct a boater safety analysis, including, but not limited to, the following:

(i) The prevalence of boating fatalities and rescues in Washington state;

(ii) A comparison of Washington's rates of fatalities and rescues to other states; and

(iii) Recommendations of effective and collective ways to increase boater safety in the state.

(b) The Evans school may convene stakeholders to analyze data and make recommendations. By December 31, 2022, the Evans school must submit a report of findings and recommendations to the appropriate committees of the legislature.

(52) \$736,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (health system transparency). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(53) \$159,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(54) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(55) \$24,000 of the general fund—state appropriation for fiscal year 2022 and \$25,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Substitute House Bill No. 1196 (audio-only telemedicine). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(56) \$69,000 of the general fund—state appropriation for fiscal year 2022 and \$69,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(57) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5141 (environmental justice task force recs). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(58) \$146,000 of the general fund—state appropriation for fiscal year 2022 and \$158,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(59) \$422,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(60) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(61) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$1,782,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(62) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for an increase in financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$35,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2022) ..	\$245,660,000
General Fund—State Appropriation (FY 2023) ..	\$251,842,000
General Fund—Federal Appropriation.....	\$500,000
Washington State University Building Account—State	
Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	
.....	\$33,995,000
Model Toxics Control Operating Account—State	
Appropriation	\$2,076,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022)	\$138,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023)	\$138,000
Workforce Education Investment Account—State	
Appropriation	\$29,680,000
Waste Reduction, Recycling, and Litter Control	
Account—State Appropriation.....	\$331,000
TOTAL APPROPRIATION	\$565,152,000

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

(1) \$90,000 of the general fund—state appropriation for fiscal year 2022 and \$90,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a honey bee biology research position.

(7) \$30,628,000 of the general fund—state appropriation for fiscal year 2022 and \$31,210,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2022 and \$580,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2022 and \$630,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2022 and \$1,370,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2022 and \$376,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2022 and \$585,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(b) By December 1, 2021, the joint center for deployment and research in earth abundant materials must report to the

appropriate committees of the legislature on the center's research grant program, including but not limited to the following:

(i) The annual amount of funding available for the grant program, including any private or foundation dollars;

(ii) The average award amount per project;

(iii) The educational impact of funded projects on high schools and community and technical colleges; and

(iv) The impact of project findings on technologies in Washington using earth-abundant materials.

(16) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(17) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of clean technology to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2022.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale PV solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of PV solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(20) \$42,000 of the general fund—state appropriation for fiscal year 2022 and \$42,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(21) \$175,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to partner with the Washington State University for the continued work of the Washington state criminal sentencing task force established in section 1002 of this act.

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

(i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;

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(ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;

(iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and

(iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

(23)(a) \$331,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the university to conduct an organic waste study to:

(i) Assess local and state government compost usage in projects and buy-back programs under RCW 43.19A.120 and 43.19A.130 including but not limited to participation, effectiveness, and amount and types of usage of compost; and

(ii) Develop a model to estimate carbon sequestration from organic waste-derived soil amendment application to soil, and identify technologies, methods, and potential funding for carbon sequestration from Washington's organic wastes including but not limited to the potential inclusion of these materials in carbon markets and trading.

(b) The university must submit a report on the assessment's findings and model development to the appropriate committees of the legislature by December 31, 2022.

(24) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1091 (transportation fuel/carbon). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(26) \$86,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(27) \$101,000 of the general fund—state appropriation for fiscal year 2022 and \$101,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(28) \$281,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(29) The appropriations in this section include sufficient funding for the implementation of chapter 96, Laws of 2021 (Substitute Senate Bill No. 5228).

(30) \$224,000 of the general fund—state appropriation for fiscal year 2022 and \$221,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute Senate Bill No. 5253 (pollinator health). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(31) \$1,718,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of

Engrossed Second Substitute Senate Bill No. 5126 (climate commitment act). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(32) \$412,000 from the institutions of higher education—grant and contracts account is provided solely for implementation of Substitute Senate Bill No. 5317 (pesticide registration). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022)....\$58,079,000

General Fund—State Appropriation (FY 2023)....\$59,057,000

Education Legacy Trust Account—State Appropriation\$16,838,000

Workforce Education Investment Account—State Appropriation \$5,210,000

TOTAL APPROPRIATION\$139,184,000

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

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2022 and at least \$200,000 of the general fund—state appropriation for fiscal year 2023 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$11,002,000 of the general fund—state appropriation for fiscal year 2022 and \$11,211,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$56,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(7) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(9) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for increasing dual credit options, to address issues of equity in higher education access.

(12) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a new summer bridge program.

(13) \$27,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2022 and \$125,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1335 (racial restrictions/review). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(15) \$121,000 of the general fund—state appropriation for fiscal year 2022 and \$121,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022)....	\$59,896,000
General Fund—State Appropriation (FY 2023)....	\$61,151,000
Central Washington University Capital Projects	
Account—State Appropriation	\$76,000
Education Legacy Trust Account—State Appropriation	
.....	\$19,076,000
Workforce Education Investment Account—State	
Appropriation.....	\$4,022,000
TOTAL APPROPRIATION.....	\$144,221,000

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

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$12,401,000 of the general fund—state appropriation for fiscal year 2022 and \$12,636,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in

undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for two psychologists to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2022 and \$52,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$155,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(11) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a bachelor of science in computer science at the university's Des Moines center.

(12) \$31,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) \$131,000 of the general fund—state appropriation for fiscal year 2022 and \$131,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2022)	\$32,450,000
General Fund—State Appropriation (FY 2023)	\$32,068,000
The Evergreen State College Capital Projects	
Account—State Appropriation.....	\$80,000
Education Legacy Trust Account—State Appropriation	
.....	\$5,450,000
Workforce Education Investment Account—State	
Appropriation	\$3,906,000
TOTAL APPROPRIATION	\$73,954,000

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

(1) \$3,772,000 of the general fund—state appropriation for fiscal year 2022 and \$3,843,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

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(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$3,207,000 of the general fund—state appropriation for fiscal year 2022 and \$2,677,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,391,000 of the amounts in fiscal year 2022 and \$1,399,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$828,000 of the amounts in fiscal year 2022 and \$937,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$60,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the domestic violence risk assessment work group established in section 959 of this act.

(d) \$25,000 of the amounts in fiscal year 2022 are provided solely to the Washington state institute for public policy for the continued work and research on behalf of the Washington state criminal sentencing task force established in section 1002 of this act.

(e)(i) \$90,000 of the amounts in fiscal year 2022 are provided solely for the Washington state institute for public policy to study net nanny and similar fictitious victim sting operations. The study must:

(A) Describe the current research on net nanny-type sting operations, including any evidence of their effectiveness in deterring or reducing crime, their costs, and the potential advantages or drawbacks of their use in crime prevention; and

(B) Compare the characteristics of individuals convicted under net nanny stings with individuals convicted of child sex offenses through other avenues.

(ii) The Washington state patrol shall provide the Washington state institute for public policy with the data necessary to conduct the analysis in (e)(i)(B) of this subsection. A net nanny sting operation is a collaborative operation that includes local, state, and federal law enforcement that targets the arrest and prosecution of individuals involved in child abuse and exploitation using the internet by using a fictitious victim. By June 30, 2022, the institute must submit results from the study to the appropriate committees of the legislature.

(f) \$70,000 of the general fund—state appropriation for fiscal year 2022 and \$130,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to study legal financial obligations as defined in RCW 9.94A.030.

(i) The study should explore the following topics:

(A) The amount of legal and financial obligations imposed over the last three years;

(B) The total amounts outstanding and the total amounts collected annually, including annual collection rates; including all restitution, costs, fees, fines, penalty assessments, and interest, disaggregated;

(C) Statutes which allow for the imposition of legal and financial obligations;

(D) The percentage of the judicial branch's budget which has been supported by legal and financial obligations since the system's inception;

(E) The programs funded by legal financial obligations; and

(F) How other states fund their court system including but not limited to whether they use legal financial obligations to provide support.

(ii) The study should recommend to the legislature potential methods and processes to delink court related funding and other county and local funding from the collection of legal financial obligations and to provide such funding through other means.

(iii) The Washington state institute for public policy may solicit input for the study from interested parties to include but not be limited to the Washington state association of counties, the Washington state association of county officials, the Washington state association of prosecuting attorneys, superior court judges, civil legal aid, civil rights attorneys, disability rights advocates, crime victim advocates, persons formerly incarcerated, advocates for persons who are currently or formerly incarcerated, academic researchers, persons with expertise analyzing data on legal financial obligations, the Washington state minority and justice commission, and the administrative office of the courts.

(iv) An initial report is due to the legislature by December 1, 2021, with a supplemental and final report due to the legislature by December 1, 2022.

(g) \$75,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the institute to review available research literature to investigate and describe any relationship between early substance abuse of cannabis, opioids, or cocaine and mental health disorders in young adults; and any relationship between nutrition and mental health disorders in young adults. The institute shall report its findings to the legislature no later than June 30, 2022.

(h)(i) \$175,000 of the amounts in fiscal year 2022 are provided solely for the Washington state institute for public policy to partner with a context expert to conduct a wilderness therapy research review. The University of Washington evidence-based practice institute and Washington State University impact center must assist the institute in identifying a content expert. For the review, the institute must:

(A) Identify wilderness therapy program models related to behavioral health which have a treatment approach which is well defined or definable and have a strong evidence base to be added to reporting guides for being identified as an evidence-based practice for mental health, including identification of target populations for these programs;

(B) Identify wilderness/adventure program models available for prevention services which are cost beneficial; and

(C) Assess the interest and likelihood of support for programs of this nature among relevant interest groups, such as state prevention coalitions and tribes, if such programs were listed as approved cost beneficial prevention programs by the division of behavioral health and recovery and the Washington state health care authority.

(ii) The institute must submit to the appropriate committees of the legislature a report on (h)(i)(A) and (B) of this subsection by December 31, 2021, and a report on (h)(i)(C) of this subsection by June 30, 2022.

(i) \$272,000 of the amounts in fiscal year 2022 and \$98,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5304 (reentry services/state and local institutions). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection (4)(i) shall lapse.

(j) \$71,000 of the amounts in fiscal year 2022 and \$66,000 of the amounts in fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5194 (equity and access in higher education). If the bill is not

enacted by June 30, 2021, the amounts provided in this subsection (4)(j) shall lapse.

(k)(i) \$150,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis for an exclusive or partial American steel requirement for future contracts and subcontracts authorized in the capital budget. The cost-benefit analysis must, to the extent feasible:

(A) Compare existing types and uses of steel to America made steel alternatives, including evaluation of quality;

(B) Examine benefits to Washington workers and the Washington economy;

(C) Examine lifecycle and embodied carbon greenhouse gas emissions;

(D) Identify requirements for purchasing American steel that minimize costs and maximize benefits; and

(E) Evaluate American steel requirements or preferences in other states.

(ii) The institute may solicit input for the analysis from representatives of interested parties to include, but not be limited to, the construction and manufacturing sectors, organized labor in the construction and manufacturing sectors, cities, counties, American steel manufacturing companies, environmental advocacy organizations, and appropriate state agencies.

(iii) The institute must submit a final report to the appropriate committees of the legislature by December 1, 2021.

(l) \$47,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amount provided in this subsection (4)(l) shall lapse.

(m) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

(8) \$213,000 of the general fund—state appropriation for fiscal year 2022 and \$213,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional faculty to support Native American and indigenous programs.

(9) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the native pathways program for an assistant director.

(10) \$110,000 of the general fund—state appropriation for fiscal year 2022 and \$110,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to establish a new tribal liaison position.

(11) \$39,000 of the general fund—state appropriation for fiscal year 2022 and \$39,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(12) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(13) \$236,000 of the general fund—state appropriation for fiscal year 2022 and \$220,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2022)	\$83,910,000
General Fund—State Appropriation (FY 2023)	\$85,554,000
Western Washington University Capital Projects	
Account—State Appropriation	\$1,424,000
Education Legacy Trust Account—State Appropriation	\$13,831,000
Workforce Education Investment Account—State Appropriation	\$6,698,000
TOTAL APPROPRIATION	\$191,417,000

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

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$17,116,000 of the general fund—state appropriation for fiscal year 2022 and \$17,441,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to recruit and retain high quality and diverse graduate students.

(5) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$548,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(6) \$700,000 of the general fund—state appropriation for fiscal year 2022 and \$700,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(7) \$1,306,000 of the general fund—state appropriation for fiscal year 2022 and \$1,306,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

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(8) \$886,000 of the general fund—state appropriation for fiscal year 2022 and \$886,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(9) \$90,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the university to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study shall explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions, and recommend strategies to preserve and expand capacity for outdoor school. The university shall submit a report to the office of the governor, the office of the superintendent of public instruction, and the education committees of the legislature summarizing the assessment and making recommendations no later than September 30, 2021.

(10) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(11) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(12) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(13) \$1,016,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2022 and \$48,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(15) \$530,000 of the general fund—state appropriation for fiscal year 2022 and \$530,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creation and implementation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(16) \$40,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Engrossed Substitute House Bill No. 1273 (menstrual products/schools). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(17) \$353,000 of the general fund—state appropriation for fiscal year 2022 and \$153,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No.

5227 (diversity, etc./higher education). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(18) \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5259 (law enforcement data). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2022).....	\$7,667,000
General Fund—State Appropriation (FY 2023).....	\$7,552,000
General Fund—Federal Appropriation.....	\$4,928,000
Workforce Education Investment Account—State Appropriation.....	\$615,000
TOTAL APPROPRIATION	\$20,762,000

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2022 and \$126,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the consumer protection unit.

(2) \$500,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(3) \$115,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2022 and \$575,000 of the general fund—state appropriation for fiscal year 2023 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(6) \$25,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the Washington student achievement council to convene and coordinate a task force to propose strategies to eliminate financial and nonfinancial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, Cambridge, and career and technical education dual credit programs. The task force shall submit a report to the appropriate committees of the legislature by December 1, 2021. The report must include:

(a) Strategies to address the following financial and nonfinancial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses;

(b) Recommendations on student supports to close equity gaps in dual credit access, participation, and success;

(c) Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;

(d) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(e) Running start data for fiscal year 2019, fiscal year 2020, and fiscal year 2021 for each community and technical college as described in section 605(29) of this act.

(7) \$29,000 of the general fund—state appropriation for fiscal year 2022 and \$29,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Second Substitute House Bill No. 1044 (prison to postsecondary ed.). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the general fund—state appropriation for fiscal year 2022 and \$16,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute Senate Bill No. 5249 (mastery-based learning). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2022).....	\$274,215,000
General Fund—State Appropriation (FY 2023).....	\$270,597,000
General Fund—Federal Appropriation	\$14,061,000
General Fund—Private/Local Appropriation.....	\$300,000
Education Legacy Trust Account—State Appropriation	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation.....	\$164,598,000
Aerospace Training Student Loan Account—State Appropriation.....	\$216,000
Workforce Education Investment Account—State Appropriation.....	\$299,870,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation.....	\$1,720,000
TOTAL APPROPRIATION.....	\$1,111,065,000

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

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, \$236,416,000 of the general fund—state appropriation for fiscal year 2023, \$297,865,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$147,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2022, \$1,165,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and \$16,944,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2022 and \$6,999,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$2,981,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for behavioral health loan repayment program grants, pursuant to chapter 302, Laws of 2019 (2SHB 1668) (Washington health corps).

(9) \$4,125,000 of the general fund—state appropriation for fiscal year 2022 and \$4,125,000 of the general fund—state

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appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. The amount provided in this subsection is provided solely to increase loans within the behavioral health program.

(10) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(11) \$2,000,000 of the general fund—federal appropriation (ARPA) is provided solely for ARPA anticipated state grants for the national health service corps.

(12) \$1,279,000 of the general fund—state appropriation for fiscal year 2022 and \$1,138,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington award for vocational excellence.

(13) \$258,000 of the general fund—state appropriation for fiscal year 2022 and \$258,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Substitute House Bill No. 1166 (college students pilot). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(14) \$500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

NEW SECTION. Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2022).....	\$2,715,000
General Fund—State Appropriation (FY 2023).....	\$2,436,000
General Fund—Federal Appropriation.....	\$55,483,000
General Fund—Private/Local Appropriation.....	\$212,000
Workforce Education Investment Account—State Appropriation.....	\$150,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$250,000
TOTAL APPROPRIATION.....	\$61,246,000

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

(1) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to continue work under a new behavioral health workforce advisory committee, which shall monitor and report on the progress of recommendations from the board's previous behavioral health workforce assessments, and continue to develop policy and practice recommendations on emerging issues in the behavioral health workforce. The board must convene and staff the committee. The committee must provide a report and relevant recommendations to the appropriate committees of the legislature and the office of the governor under RCW 43.01.036 by December 1, 2021, and December 1, 2022.

(4) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to implement an interprofessional curriculum to educate health care providers and workforce on opioid misuse and addiction.

(5) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$225,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the board to collaborate and assist in the report required by the new behavioral health advisory committee established in subsection (3) of this section. The report shall contain an analysis of behavioral health workforce shortages and challenges, data to inform systems change, and relevant policy recommendations and actions informed by the employer demand projection and talent development pipeline analyses to the appropriate committees of the legislature and the office of the governor by December 1, 2021, and December 1, 2022. The board shall contract with a statewide nonprofit organization with expertise in promoting and supporting science, technology, engineering, and math education from early learning through postsecondary education to provide a regional analysis of supply pipelines to current behavioral health care opportunities, at the secondary and postsecondary levels, and will identify gaps and barriers to programs that lead to high-demand behavioral health occupations. In coordination with the board's employer demand projection analysis, the contractor will provide an analysis of the talent development pipeline to help inform the committee's work.

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2022).....	\$9,224,000
General Fund—State Appropriation (FY 2023).....	\$9,357,000
General Fund—Private/Local Appropriation.....	\$34,000
TOTAL APPROPRIATION.....	\$18,615,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2022)....	\$14,767,000
General Fund—State Appropriation (FY 2023)....	\$14,974,000
TOTAL APPROPRIATION.....	\$29,741,000

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

(1) Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$225,000 of the general fund—state appropriation in fiscal year 2022 and \$225,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the center for deaf and hard of hearing youth to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding provided under this section is provided solely for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021-22 school year, to any requesting school district; and

assisting persons in the timely and successful achievement of performance standards for educational interpreters.

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2022).....	\$2,614,000
General Fund—State Appropriation (FY 2023).....	\$2,648,000
General Fund—Federal Appropriation	\$3,156,000
General Fund—Private/Local Appropriation.....	\$50,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$2,000,000
TOTAL APPROPRIATION.....	\$10,468,000

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

(1) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$79,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the creative districts program.

(2) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

(3) \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2022 and \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation for fiscal year 2023 are provided solely for the Washington state arts commission to stabilize, recover, and preserve the state's arts and cultural organizations in light of pandemic conditions. From these amounts, the commission may distribute relief, response, and recovery grants to arts and cultural organizations statewide, subject to appropriate agreements.

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2022).....	\$4,024,000
General Fund—State Appropriation (FY 2023).....	\$4,035,000
TOTAL APPROPRIATION.....	\$8,059,000

NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2022).....	\$3,305,000
General Fund—State Appropriation (FY 2023).....	\$3,388,000
TOTAL APPROPRIATION.....	\$6,693,000

PART VII

SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2022).....	\$9,029,000
General Fund—State Appropriation (FY 2023).....	\$4,514,000
General Fund—Federal Appropriation	\$2,481,000
General Fund—Private/Local Appropriation.....	\$92,000
Other Appropriated Funds	\$15,707,000
TOTAL APPROPRIATION.....	\$31,823,000

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

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2021, dated April 22, 2021, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2021, dated April 22, 2021, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent

permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2021-2023 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discreet financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

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(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, and when it was completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month;

(ix) Estimated annual maintenance and operations costs by fiscal year; and

(x) Posting monthly project status assessments on scope, schedule, budget, and overall by the:

(A) Office of the chief information officer;

(B) Agency project team; and

(C) Quality assurance vendor, if applicable to the project.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the

financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The following information technology projects are subject to the conditions, limitations, and review in this section:

(a) The unclaimed property system project of the department of revenue;

(b) The one Washington procurement project of the department of enterprise services;

(c) The security systems on campus project of the department of enterprise services;

(d) The network core equipment project of the consolidated technology services agency; and

(e) The data center switching equipment project of the consolidated technology services agency.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State	Appropriation	(FY 2022)	
.....	.....	.....	\$1,273,008,000
General Fund—State	Appropriation	(FY 2023)	
.....	.....	.....	\$1,374,570,000
State Building Construction Account—State	Appropriation	.....	\$12,323,000
Columbia River Basin Water Supply Development	Account—State	Appropriation	..... \$13,000

Watershed Restoration and Enhancement Bond Account—
 State Appropriation..... \$181,000
 State Taxable Building Construction Account—State
 Appropriation..... \$467,000
 Debt-Limit Reimbursable Bond Retirement Account—
 State Appropriation..... \$511,000
TOTAL APPROPRIATION..... \$2,661,073,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Nondebt-Limit Reimbursable Bond Retirement Account—
 State Appropriation..... \$57,954,000
TOTAL APPROPRIATION..... \$57,954,000

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2022)..... \$1,400,000
 General Fund—State Appropriation (FY 2023)..... \$1,400,000
 State Building Construction Account—State
 Appropriation..... \$2,466,000
 Columbia River Basin Water Supply Development
 Account—State Appropriation \$3,000
 Watershed Restoration and Enhancement Bond Account—
 State Appropriation..... \$39,000
 State Taxable Building Construction Account—State
 Appropriation..... \$94,000
TOTAL APPROPRIATION..... \$5,402,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND

General Fund—State Appropriation (FY 2022)..... \$850,000
 General Fund—State Appropriation (FY 2023)..... \$850,000
TOTAL APPROPRIATION..... \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY ASSISTANCE FUND

General Fund—State Appropriation (FY 2022)..... \$2,500,000
 General Fund—State Appropriation (FY 2023)..... \$2,500,000
TOTAL APPROPRIATION..... \$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010(9). The office of financial management must notify the fiscal committees of the legislature of the receipt of each application or request for individual assistance from the governor's emergency fund by the governor or the adjutant general. The office of financial management may not approve, nor release, funding for 10 business days from the date of notification to the fiscal committees of the legislature.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund—State Appropriation (FY 2022)..... \$9,000,000
 General Fund—State Appropriation (FY 2023)..... \$9,000,000
TOTAL APPROPRIATION \$18,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT

General Fund—State Appropriation (FY 2022)..... \$2,588,000
 General Fund—State Appropriation (FY 2023)..... \$2,581,000
TOTAL APPROPRIATION \$5,169,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION

General Fund—State Appropriation (FY 2022)..... \$556,000
 General Fund—State Appropriation (FY 2023)..... \$556,000
TOTAL APPROPRIATION \$1,112,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

NEW SECTION. Sec. 710. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2022)..... \$36,386,000
 General Fund—State Appropriation (FY 2023)..... \$36,386,000
TOTAL APPROPRIATION \$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2022	FY 2023	2021-2023 Biennium
Adams County	\$121,213	\$121,213	\$242,426
Integrated Health Care Services			
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674

Chelan-Douglas Health District	\$399,63	\$399,63	\$799,26
Clallam County Health and Human Services Department	\$291,40	\$291,40	\$582,80
Clark County Public Health	\$1,767,3	\$1,767,3	\$3,534,6
Skamania County Community Health	\$111,32	\$111,32	\$222,65
Columbia County Health District	\$119,99	\$119,99	\$239,98
Cowlitz County Health and Human Services	\$477,98	\$477,98	\$955,96
Garfield County Health District	\$93,154	\$93,154	\$186,30
Grant County Health District	\$297,76	\$297,76	\$595,52
Grays Harbor Public Health and Social Services	\$335,66	\$335,66	\$671,33
Island County Health Department	\$255,22	\$255,22	\$510,44
Jefferson County Public Health	\$184,08	\$184,08	\$368,16
Public Health - Seattle & King County	\$12,685,521	\$12,685,521	\$25,371,042
Kitsap Public Health District	\$997,47	\$997,47	\$1,994,952
Kittitas County Public Health	\$198,97	\$198,97	\$397,958
Klickitat County Public Health	\$153,78	\$153,78	\$307,568
Lewis County Public Health and Social Services	\$263,13	\$263,13	\$526,268
Lincoln County Health Department	\$113,91	\$113,91	\$227,834
Mason County Public Health and Human Services	\$227,44	\$227,44	\$454,896

Okanogan County Public Health	\$169,88	\$169,88	\$339,764
Pacific County Health and Human Services	\$169,07	\$169,07	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138
Skagit County Health Department	\$449,745	\$449,745	\$899,490
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,362
Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

NEW SECTION. Sec. 711. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS

General Fund—State Appropriation (FY 2022).....	\$541,000
General Fund—State Appropriation (FY 2023).....	\$441,000
TOTAL APPROPRIATION	\$982,000

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the

collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 2022	FY 2023
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792
Douglas County Clerk	\$3,032	\$2,471
Ferry County Clerk	\$422	\$344
Franklin County Clerk	\$5,486	\$4,471
Garfield County Clerk	\$243	\$198
Grant County Clerk	\$10,107	\$8,237
Grays Harbor County Clerk	\$8,659	\$7,057
Island County Clerk	\$3,059	\$2,493
Jefferson County Clerk	\$1,859	\$1,515
King County Court Clerk	\$119,290	\$97,266
Kitsap County Clerk	\$22,242	\$18,127
Kittitas County Clerk	\$3,551	\$2,894
Klickitat County Clerk	\$2,151	\$1,753
Lewis County Clerk	\$10,340	\$8,427
Lincoln County Clerk	\$724	\$590
Mason County Clerk	\$5,146	\$4,194
Okanogan County Clerk	\$3,978	\$3,242
Pacific County Clerk	\$2,411	\$1,965
Pend Oreille County Clerk	\$611	\$498
Pierce County Clerk	\$77,102	\$62,837
San Juan County Clerk	\$605	\$493
Skagit County Clerk	\$11,059	\$9,013
Skamania County Clerk	\$1,151	\$938
Snohomish County Clerk	\$38,143	\$31,086
Spokane County Clerk	\$44,825	\$36,578
Stevens County Clerk	\$2,984	\$2,432
Thurston County Clerk	\$22,204	\$18,096
Wahkiakum County Clerk	\$400	\$326
Walla Walla County Clerk	\$4,935	\$4,022
Whatcom County Clerk	\$20,728	\$16,893
Whitman County Clerk	\$2,048	\$1,669
Yakima County Clerk	\$25,063	\$20,426
TOTAL	\$541,000	\$441,000

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NEW SECTION. Sec. 712. 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. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT

General Fund—State Appropriation (FY 2022)	\$600,000
General Fund—State Appropriation (FY 2023)	\$600,000
TOTAL APPROPRIATION	\$1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT

General Fund—State Appropriation (FY 2022)	\$300,000
General Fund—State Appropriation (FY 2023)	\$300,000
TOTAL APPROPRIATION	\$600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

General Fund—State Appropriation (FY 2022)	\$226,000
General Fund—State Appropriation (FY 2023)	\$226,000
TOTAL APPROPRIATION	\$452,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account—state. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

General Fund—State Appropriation (FY 2022)	\$133,000
General Fund—State Appropriation (FY 2023)	\$133,000
TOTAL APPROPRIATION	\$266,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT

General Fund—State Appropriation (FY 2022)	\$6,410,000
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General Fund—State Appropriation (FY 2023).... \$11,247,000
 TOTAL APPROPRIATION..... \$17,657,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2022)..... \$951,000
 TOTAL APPROPRIATION..... \$951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2022).... \$82,800,000
 General Fund—State Appropriation (FY 2023).... \$86,000,000
 TOTAL APPROPRIATION..... \$168,800,000

(3) There is appropriated for contributions to the judicial retirement system:

Pension Funding Stabilization Account—State
 Appropriation..... \$7,100,000
 General Fund—State Appropriation (FY 2023)..... \$6,700,000
 TOTAL APPROPRIATION..... \$13,800,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2022)..... \$300,000
 General Fund—State Appropriation (FY 2023)..... \$300,000
 TOTAL APPROPRIATION..... \$600,000

NEW SECTION. Sec. 720. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'
 Administrative Account—State Appropriation..... \$10,777,000
 TOTAL APPROPRIATION..... \$10,777,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided in this section is the maximum amount that may be expended. In addition the office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES

General Fund—State Appropriation (FY 2022) \$61,396,000
 General Fund—State Appropriation (FY 2023) ..\$110,599,000
 Foundational Public Health Services Account—State
 Appropriation \$2,788,000
 TOTAL APPROPRIATION\$174,783,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for distribution as provided in RCW 43.70.515.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT

General Fund—State Appropriation (FY 2022) \$51,000,000
 General Fund—State Appropriation (FY 2023) \$1,000,000
 TOTAL APPROPRIATION\$52,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT

General Fund—State Appropriation (FY 2022) \$496,000
 General Fund—State Appropriation (FY 2023) \$456,000
 TOTAL APPROPRIATION \$952,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT

General Fund—State Appropriation (FY 2022) \$19,618,000
 TOTAL APPROPRIATION \$19,618,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to chapter 98, Laws of 2020 and chapter 363, Laws of 2019. This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022.

NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT

General Fund—State Appropriation (FY 2022) \$10,803,000
 General Fund—State Appropriation (FY 2023) \$9,282,000
 TOTAL APPROPRIATION\$20,085,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT

General Fund—State Appropriation (FY 2022) \$2,250,000
 General Fund—State Appropriation (FY 2023) \$2,250,000
 TOTAL APPROPRIATION \$4,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HORSE RACING COMMISSION OPERATING ACCOUNT

General Fund—State Appropriation (FY 2022)..... \$340,000
TOTAL APPROPRIATION..... \$340,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the horse racing commission operating account created in RCW 67.16.280.

NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT

General Fund—State Appropriation (FY 2022)..... \$5,000,000
General Fund—State Appropriation (FY 2023)..... \$5,000,000
TOTAL APPROPRIATION..... \$10,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the universal communications services account created in RCW 80.36.690.

NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT

General Fund—State Appropriation (FY 2022)..... \$3,500,000
General Fund—State Appropriation (FY 2023)..... \$3,500,000
TOTAL APPROPRIATION..... \$7,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE

General Fund—State Appropriation (FY 2022)..... \$578,000
General Fund—State Appropriation (FY 2023)..... \$601,000
General Fund—Federal Appropriation..... \$110,000
Other Appropriated Funds..... \$7,228,000
TOTAL APPROPRIATION..... \$8,517,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the association of Washington assistant attorneys general and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 731. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES

General Fund—State Appropriation (FY 2022).... \$40,604,000
General Fund—State Appropriation (FY 2023).... \$40,985,000
General Fund—Federal Appropriation..... \$38,200,000
General Fund—Private/Local Appropriation..... \$2,341,000
Other Appropriated Funds..... \$61,716,000
TOTAL APPROPRIATION..... \$183,846,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WFSE ADMINISTRATIVE LAW JUDGES

Administrative Hearings Revolving Account—State
Appropriation..... \$1,013,000
TOTAL APPROPRIATION..... \$1,013,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees—administrative law judges and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 733. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WAFWP

General Fund—State Appropriation (FY 2022)..... \$1,136,000
General Fund—State Appropriation (FY 2023)..... \$1,147,000
General Fund—Federal Appropriation..... \$1,657,000
General Fund—Private/Local Appropriation..... \$688,000
Other Appropriated Funds..... \$1,529,000
TOTAL APPROPRIATION..... \$6,157,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington association of fish and wildlife professionals and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 734. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION—GENERAL GOVERNMENT

General Fund—State Appropriation (FY 2022)..... \$4,438,000
General Fund—State Appropriation (FY 2023)..... \$4,470,000
General Fund—Federal Appropriation..... \$537,000
General Fund—Private/Local Appropriation..... \$10,000
Other Appropriated Funds..... \$4,022,000
TOTAL APPROPRIATION..... \$13,477,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association—general government and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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.

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NEW SECTION. Sec. 735. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PTE LOCAL 17

General Fund—State Appropriation (FY 2022).....	\$8,000
General Fund—State Appropriation (FY 2023).....	\$9,000
TOTAL APPROPRIATION.....	\$17,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COALITION OF UNIONS

General Fund—State Appropriation (FY 2022).....	\$1,750,000
General Fund—State Appropriation (FY 2023).....	\$1,756,000
General Fund—Federal Appropriation	\$690,000
General Fund—Private/Local Appropriation.....	\$493,000
Other Appropriated Funds	\$3,350,000
TOTAL APPROPRIATION.....	\$8,039,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the coalition of unions and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SEIU HEALTHCARE 1199NW

General Fund—State Appropriation (FY 2022).....	\$1,062,000
General Fund—State Appropriation (FY 2023).....	\$1,068,000
General Fund—Federal Appropriation	\$1,732,000
General Fund—Private/Local Appropriation.....	\$284,000
Health Professions Account—State Appropriation....	\$114,000
TOTAL APPROPRIATION.....	\$4,260,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the service employees international union healthcare 1199nw and approved in part IX of this act. Expenditure of the amounts provided for this purpose 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. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated April 22, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME AND COMMUNITY-BASED SERVICES

General Fund—State Appropriation (FY 2022)	\$142,775,000
TOTAL APPROPRIATION	\$142,775,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for additional activities that enhance, expand, or strengthen home and community-based services pursuant to section 9817 of the American rescue plan act of 2021 (ARPA) within the following parameters:

(1) The office of financial management may not spend any of the funding provided in this section until the federal centers for medicare and medicaid services issues guidance for states on expending that funding, or until May 10, 2021, whichever is first;

(2) If, by May 10, 2021, the federal government extends the time period for expending home and community-based services funds under section 9817 of ARPA past December 31, 2022, the office of financial management may not spend the funding provided in this section through the unanticipated receipts process in chapter 43.79 RCW and must instead provide an opportunity for the legislature to make spending decisions in the 2022 legislative session; and

(3) If, by May 10, 2021, the federal government does not extend the time period for expending home and community-based services funds under section 9817 of ARPA past December 31, 2022, the office of financial management must, before expending any funds provided in this subsection, develop a spending plan and submit it to the chairs of the appropriate legislative fiscal committees for review no later than June 1, 2021. The spending plan may only include spending that is on activities to meet acute needs, that is one-time in nature, that will be completed by the end of the federal time period for home and community-based services investments that result from section 9817 of ARPA, and that does not include any ongoing expenditures.

NEW SECTION. Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CITY ASSISTANCE

General Fund—State Appropriation (FY 2022)	\$20,000,000
TOTAL APPROPRIATION	\$20,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to cities according to population to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021.

NEW SECTION. Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY ASSISTANCE

General Fund—State Appropriation (FY 2022)	\$30,000,000
TOTAL APPROPRIATION	\$30,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to distribute to counties according to population to assist with one-time costs related to law enforcement and criminal justice related legislation enacted between January 1, 2020, and June 30, 2021.

NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MANUFACTURING CLUSTER ACCELERATION SUBACCOUNT OF THE ECONOMIC DEVELOPMENT STRATEGIC RESERVE ACCOUNT

General Fund—State Appropriation (FY 2022).....	\$1,405,000
General Fund—State Appropriation (FY 2023).....	\$1,393,000
TOTAL APPROPRIATION	\$2,798,000

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

for expenditure into the manufacturing cluster acceleration subaccount of the economic development strategic reserve account created in Substitute House Bill No. 1170 (manufacturing). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

NEW SECTION. Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT INSURANCE RELIEF ACCOUNT

Coronavirus State Fiscal Recovery Fund—Federal
 Appropriation..... \$500,000,000
 TOTAL APPROPRIATION..... \$500,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment insurance relief account created in Engrossed Substitute Senate Bill No. 5478 (unemployment insurance). If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse. Prior to making any expenditure, the office of financial management must notify the fiscal committees of the legislature that it has determined the expenditure of the appropriation in this section is an allowable use of coronavirus state fiscal recovery funds from the America rescue plan act of 2201, P.L. 24117-2, subtitle M, section 9901. It is the intent of the legislature that the maximum amount to be expended into the unemployment insurance relief account from this section and section 743 is \$500,000,000. Therefore, if the appropriation provided in section 743 of this act is expended, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 743. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT INSURANCE RELIEF ACCOUNT (CONDITIONAL APPROPRIATION)

Washington Rescue Plan Transition Account—State
 Appropriation..... \$500,000,000
 TOTAL APPROPRIATION..... \$500,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment insurance relief account created in Engrossed Substitute Senate Bill No. 5478 (unemployment insurance) if the office of financial management determines that the expenditure of the appropriation in section 742 of this act conflicts with federal law, rules, or guidance on the allowable uses of coronavirus state fiscal recovery funds from the America rescue plan act of 2201, P.L. 117-2, subtitle M, section 9901. If the bill is not enacted by June 30, 2021, the amount appropriated in this section shall lapse. If the appropriation provided in section 742 of this act is expended, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—PUBLIC HEALTH WORKFORCE

General Fund—Federal Appropriation..... \$100,000,000
 TOTAL APPROPRIATION..... \$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to hire case investigators, contact tracers, public health nurses, disease intervention specialists, epidemiologists, and other positions as may be required to prevent, prepare for, and respond to COVID-19, and to provide personal protection equipment. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES

General Fund—Federal Appropriation.....\$100,000,000
 TOTAL APPROPRIATION\$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for vaccine distribution and administration, including the establishment and expansion of community vaccination centers and mobile vaccination units, particularly in underserved areas; reporting enhancements; communication efforts; and transportation of individuals, particularly in underserved populations, to vaccination sites. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—TESTING AND TRACING

General Fund—Federal Appropriation.....\$900,000,000
 TOTAL APPROPRIATION\$900,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA) is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contact tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response. Allowable uses include distribution or reimbursement to local health jurisdictions and tribes for activities consistent with the purposes of this section.

NEW SECTION. Sec. 747. FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND

General Fund—State Appropriation (FY 2023) ..\$800,000,000
 TOTAL APPROPRIATION\$800,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability.

NEW SECTION. Sec. 748. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE HEALTH CARE AFFORDABILITY ACCOUNT

General Fund—State Appropriation (FY 2023)\$50,000,000
 TOTAL APPROPRIATION\$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state health care affordability account created in Engrossed Second Substitute Senate Bill No. 5377 (standardized health plans). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

NEW SECTION. Sec. 749. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSUMER PRIVACY ACCOUNT

General Fund—State Appropriation (FY 2022) \$548,000
 TOTAL APPROPRIATION \$548,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the consumer privacy account created in Second Substitute Senate Bill No. 5062 (data). If the bill is not

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enacted by June 30, 2021, the amount appropriated in this section shall lapse.

NEW SECTION. Sec. 750. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT

General Fund—State Appropriation (FY 2022).....	\$2,300,000
General Fund—State Appropriation (FY 2023).....	\$2,300,000
TOTAL APPROPRIATION.....	\$4,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. Sec. 751. FOR THE OFFICE OF FINANCIAL MANAGEMENT—AFFORDABLE HOUSING FOR ALL ACCOUNT

General Fund—State Appropriation (FY 2022)....	\$18,500,000
General Fund—State Appropriation (FY 2023)....	\$18,500,000
TOTAL APPROPRIATION.....	\$37,000,000

The appropriations in this section are subject to the following conditions and limitations: The amounts in this section are provided solely for expenditure into the affordable housing for all account created in RCW 43.185C.190 for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030.

NEW SECTION. Sec. 752. FOR THE DEPARTMENT OF COMMERCE—HOUSING PROGRAMS (CONDITIONAL APPROPRIATION)

Washington Rescue Plan Transition Account—State Appropriation.....	\$20,000,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation.....	\$272,000,000
TOTAL APPROPRIATION.....	\$292,000,000

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

(1) \$221,920,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for rental assistance, project-based vouchers for nonprofit housing providers and related services, rapid rehousing, emergency housing, foreclosure prevention services, dispute resolution center eviction prevention services, and tenant education and legal assistance. If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$88,768,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to implement an eviction prevention rental assistance program. The department must provide grants to eligible organizations, as described in RCW 43.185.060, to provide rental and utility assistance to eligible households. Households are eligible to receive assistance if they have incomes at or below 80 percent of the county area median income; are families with children, living in doubled up situations, young adults, senior citizens, and others at risk of homelessness or significant physical or behavioral health complications from homelessness; and meet any other eligibility requirements as established by the department. Eligible organizations must use grant moneys for:

- (i) Rental assistance, including rental arrears and future rent if needed to stabilize the applicant's housing and prevent their eviction;
- (ii) Utility assistance for households if needed to prevent an eviction;
- (iii) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department; and

(iv) At least 10 percent of the grant total for subgrants to organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications for assistance, rent assistance payments, activities that directly support the goal of improving access to rent assistance for people of color, and related costs.

(b) \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for hotel and motel vouchers, rapid rehousing, and supportive services for individuals and families accessing vouchers and rapid rehousing.

(2) \$20,000,000 of the Washington rescue plan transition account—state appropriation and \$38,400,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030. If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) \$11,680,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the landlord mitigation program created in RCW 43.31.605(1). If Engrossed Second Substitute House Bill No. 1277 (housing/revenue source) is enacted by June 30, 2021, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 753. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS RELIEF FUNDS

General Fund—Federal Appropriation.....	\$280,000,000
TOTAL APPROPRIATION	\$280,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRF) is provided solely to the office of financial management for allotment to state agencies for costs eligible to be paid from the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A and where funding is provided elsewhere in this act for those costs using a funding source other than the coronavirus relief fund. For any agency receiving an allotment under this section, the office must place an equal amount of the agency's state or other federal source appropriation authority in unallotted reserve status, and those amounts may not be expended. In determining the use of amounts appropriated in this section, the office of financial management shall prioritize the preservation of state general fund moneys and federal state fiscal recovery fund moneys. The office must report on the use of the amounts appropriated in this section to the fiscal committees of the legislature monthly until all coronavirus relief fund moneys are expended or the unexpended moneys returned to the federal government, whichever is earlier.

NEW SECTION. Sec. 754. FOR THE GAMBLING COMMISSION—GAMBLING REVOLVING FUND

General Fund—State Appropriation (FY 2022).....	\$3,600,000
TOTAL APPROPRIATION	\$3,600,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure into the gambling revolving fund created in RCW 9.46.100.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$9,757,000
General Fund Appropriation for prosecuting attorney	

distributions	\$9,284,000
General Fund Appropriation for boating safety and education distributions	\$4,000,000
General Fund Appropriation for public utility district excise tax distributions.....	\$66,759,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$3,303,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$73,911,000
County Criminal Justice Assistance Appropriation	\$114,428,000
Municipal Criminal Justice Assistance Appropriation	\$45,073,000
City-County Assistance Appropriation.....	\$39,939,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$76,474,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$8,612,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,975,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
General Fund Appropriation for other tax distributions	\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions	\$40,000,000
General Fund Appropriation for Habitat Conservation Program distributions.....	\$5,754,000
General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program	\$4,040,000
Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520.	\$33,460,000
Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs). If Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs) is not enacted by June 30, 2021, this distribution is null and void.	\$12,150,000
TOTAL APPROPRIATION.....	\$652,015,000

NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Appropriation.....	\$2,551,000
TOTAL APPROPRIATION.....	\$2,551,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of

1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Appropriation.....	\$1,700,000
TOTAL APPROPRIATION	\$1,700,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	\$64,000
General Fund Appropriation for federal grazing fees distribution	\$50,000
General Fund Appropriation for federal military fees distribution	\$160,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	\$27,978,000
TOTAL APPROPRIATION	\$28,252,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$255,000,000 and this amount for fiscal year 2023, \$265,000,000	\$520,000,000
Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$195,000,000 and this amount for fiscal year 2023, \$200,000,000 ..	\$395,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2022.....	\$90,000,000
Tobacco Settlement Account: For transfer to the	

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state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023 \$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, \$11,000,000 for fiscal year 2022 and \$8,000,000 for fiscal year 2023 \$19,000,000
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023 \$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,750,000 for fiscal year 2022 and \$2,750,000 for fiscal year 2023 \$5,500,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023 \$7,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022 \$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022 \$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 \$9,000,000
Long-Term Services and Supports Trust Account: For transfer to the general fund as repayment for start-up costs for the long term services program, the lesser of the amount determined by the treasurer for full repayment of the \$17,040,000 transferred from the general fund in the 2019-2021 biennium and \$19,618,000 transferred from the general fund in fiscal year 2022, which totals \$36,658,000 transferred from the general fund in the 2019-2021 biennium and fiscal year 2022 for start-up costs with any related interest, or this amount for fiscal year 2022, \$37,092,000 \$37,092,000
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), the lesser of the amount determined by the treasurer for full repayment of the \$6,000,000 transferred from the general fund in the 2019-2021 fiscal biennium with any related interest, or this amount for fiscal year 2023 \$6,500,000 \$6,500,000
School Employees' Insurance Account: For transfer to the general fund as repayment of the remainder of the loans for start costs for the school employees benefit program, \$16,587,000 for fiscal year 2022 \$16,587,000
General Fund: For transfer to the manufacturing and warehousing jobs centers account \$6,750,000 for fiscal year 2022 and \$5,400,000 for fiscal year 2023 pursuant to Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs). If Engrossed Substitute House Bill No. 1521 (warehousing & manufacturing jobs) is not enacted by June 30,

2021, this transfer is null and void. \$12,150,000
General Fund: For transfer to the Washington housing trust fund, \$10,000,000 for fiscal year 2022 \$10,000,000
General Fund: For transfer to the forest resiliency account trust fund, \$6,000,000 for fiscal year 2022 \$6,000,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2019-2021 fiscal biennium.

NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers.

Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 906. 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. 907. COLLECTIVE BARGAINING AGREEMENTS

The following sections represent the results of the 2021-2023 collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 939 and 943 through 946 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENTS—ELIMINATING FURLOUGH DAYS

(1) Appropriations in part VII of this act provide sufficient funding to eliminate the furlough days required in the following collective bargaining agreements for the 2021-2023 fiscal biennium:

- (a) Washington federation of state employees;
- (b) Washington association of fish and wildlife professionals;
- (c) Professional and technical employees local 17;
- (d) Service employees international union healthcare 1199nw;
- (e) The coalition of unions;
- (f) Association of Washington assistant attorneys general/Washington federation of state employees;
- (g) Washington federation of state employees administrative law judges; and
- (h) Washington public employees association general government.

(2) Expenditure of the amounts provided for this purpose 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.

NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT—WFSE

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT—WAFWP

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES

An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760

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An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

NEW SECTION. **Sec. 917. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by \$100 per year per employee.

NEW SECTION. **Sec. 918. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

NEW SECTION. **Sec. 919. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

NEW SECTION. **Sec. 920. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 921. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

NEW SECTION. **Sec. 922. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

NEW SECTION. **Sec. 923. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. **Sec. 924. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 925. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 926. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

An agreement has been reached between the University of Washington and teamster local 117 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 927. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

An agreement has been reached between the University of Washington and the Washington federation of state employees police management under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. **Sec. 928. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining

agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4

An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS

An agreement has not been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE

An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE

An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE

An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 939. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA

An agreement has been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

NEW SECTION. Sec. 940. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, 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, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1,091 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another

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employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five 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.

NEW SECTION. Sec. 941. 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 \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed \$1,091 per eligible employee.

NEW SECTION. Sec. 942. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$968 per eligible employee in the 2021-22 school year. For the 2022-23 school year, the monthly employer funding rate shall not exceed \$1,032 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 943 of this act, which is included as part of the above monthly employer funding rate.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five 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.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

NEW SECTION. Sec. 943. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

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:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$936 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1,091 per eligible employee. These rates assume the use of plan surplus from the 2019-2021 fiscal biennium in fiscal year 2022.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$72.08 per month beginning September 1, 2021, and \$80.04 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$72.08 each month beginning September 1, 2021, and \$80.04 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 944. COMPENSATION—NONREPRESENTED EMPLOYEES—FOREGONE GENERAL WAGE INCREASES

Appropriations in this act for state agencies, including institutions of higher education, are sufficient to provide a three percent or two percent general wage increase, effective July 1, 2021, for employees that were scheduled to receive a general wage increase of either of those amounts on July 1, 2020, that was forgone due to COVID-19 emergency.

NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of \$0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE

EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS

An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

NEW SECTION. Sec. 947. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from \$2.65 to \$3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from \$80.00 to \$90.00 per child per month.

NEW SECTION. Sec. 948. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—ADULT FAMILY HOME COUNCIL

An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

NEW SECTION. Sec. 949. COMPENSATION—REVISE PENSION CONTRIBUTION RATES

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 950. JUNETEENTH HOLIDAY

Specific funding is provided in agency budgets for the cost to agencies of additional staff necessary to provide coverage in positions that require continual presence, as a result of implementing House Bill No. 1016 (making Juneteenth a legal holiday).

NEW SECTION. Sec. 951. (1) In preparation for the salary review and rebase required in RCW 28A.150.412, the office of the superintendent of public instruction shall convene a K-12 basic education compensation advisory committee to develop

recommendations to the governor and the legislature that supports recruiting and retaining a multicultural and multilingual educator workforce, including but not limited to:

(a) Compensation updates to K-12 basic education salaries based on a comparable wage data analysis;

(b) Updates to regionalization data, including consideration of a hedonic wage model and other improvements to better reflect regional differences, address differences in recruiting and retention, incorporate data from neighboring communities in other states where appropriate, and mitigate boundary effects of regionalization policies;

(c) Adjustments to inflationary factors used in state budgeting if the inflation documented through the comparable wage analysis is significantly different than the inflation that had been funded in state budgets since the last comparable wage analysis;

(d) Analysis of workforce needs, including identification of hard to recruit/retain positions and strategies to address those workforce needs;

(e) Compensation adjustments to promote equity considerations, which could include additional compensation to attract and retain educators in school districts with fewer resources from combined state and local dollars per student, adjustments to institutional education compensation, and additional compensation tied to complex need factors of schools; and

(f) Additional compensation targeted to recruit and retain a more diverse workforce and to recognize the additional work of educators who serve on multiple committees and assume mentoring responsibilities to support new educators and students.

(2) The advisory committee shall consist of:

(a) The superintendent of public instruction, or their designee to serve as chair of the committee;

(b) Twelve members, comprised of representatives from organizations that represent the following groups, appointed by the superintendent of public instruction as follows:

(i) One representing school administrators;

(ii) One representing school business officials;

(iii) One representing school district human resources professionals;

(iv) Three representing teachers and educational staff associates;

(v) Three representing classified staff;

(vi) One representing parents;

(vii) One representing students; and

(viii) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes.

(c) To appoint representatives in (b) of this subsection the office of the superintendent of public instruction must:

(i) Consult with the state ethnic commissions, who represent African American, Hispanic American, Asian American, and Pacific Islander American populations to include representation of each population in the advisory committee; and

(ii) Include geographic diversity so that at least one district each from the eastern, western, and southern portions of the state are represented in the membership.

(3) The department of revenue, employment security department, and education research and data centers shall make available relevant data and analysis to the superintendent of public instruction in support of the salary rebase and review. The employment security department shall make available information necessary to determine the comparable occupations and wages for each K-12 job category in RCW 28A.150.260.

(4) The advisory committee shall report its recommendations for salary rebase and compensation adjustments to the superintendent of public instruction. The superintendent shall

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make official recommendations to the governor and the fiscal committees of the legislature by September 30, 2022.

NEW SECTION. Sec. 952. (1) During the 2021-2023 fiscal biennium, the health care authority and the departments of commerce, corrections, and children, youth, and families must revise their agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following: A seniority system, a merit system, a system that measures earnings by quantity or quality of production, a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.

(c) A bona fide job-related factor or factors may include, but is not limited to, education, training, or experience, that is: Consistent with business necessity, not based on or derived from a gender-based differential, and accounts for the entire differential.

(d) A bona fide regional difference in compensation level must be: Consistent with business necessity, not based on or derived from a gender-based differential, and account for the entire differential.

(2) The provision must allow for the termination of the contract if the agency or the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(3) Agencies must implement this provision with any new contract and at the time of renewal of any existing contract.

(4) The department of enterprise services must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, in accordance with this section. Any cost incurred by the department of enterprise services to implement this section must be recouped from the fees charged to master contract vendors.

NEW SECTION. Sec. 953. (1) The office of financial management shall conduct a feasibility study and make recommendations regarding the establishment of a system for streamlining the vacation of criminal conviction records. The office of financial management may contract with an independent expert to assist with the feasibility study. The study must consider and make recommendations regarding, but not limited to, the following:

(a) Requiring the Washington state patrol to conduct state and national criminal background checks to determine individuals who may be eligible for the vacation of a criminal record, either under:

(i) Current eligibility requirements; or
(ii) Under other streamlined requirements that could consider, for example, eligibility to vacate only a certain category of offenses with reduced requirements, including but not limited to such as having no other convictions in the Washington state patrol's criminal history database for a certain number of years;

(b) Creating a database and online portal system that would assess eligibility and subsequently notify respective persons eligible for a vacation of a criminal record;

(c) Developing the online portal system that, upon such person's consent, prepopulates the petition and forwards the petition to the respective sentencing court and local public defender's office in the local jurisdiction of that court;

(d) Determining the appropriate state entity to operate and have oversight of the database and online portal system for streamlining the vacation of criminal conviction records;

(e) Consulting with the administrative office of the courts, county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, and county and city departments to make additional recommendations as deemed appropriate and necessary for implementation of the database and online portal system;

(f) Determining what information technology and support would be needed to be developed and maintained to administer a streamlining process most effectively and efficiently for the vacation of criminal conviction records in Washington; and

(g) The approximate cost to establish a system for streamlining the vacation of criminal conviction records with an online portal in Washington, and the approximate annual cost to operate such a system.

(2) The office of financial management shall submit a preliminary report of findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022, and a final report by June 30, 2023.

(3) This section expires July 1, 2023.

NEW SECTION. Sec. 954. The office of financial management must apply for waivers pursuant to section 2004 of the American rescue plan act of 2021, P.L. 117-2 and section 317, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. In the request for the waiver, the office shall, among other things, note the increase in state appropriations in K-12 and higher education programs for fiscal years 2022 and 2023 compared to the combined average of appropriations for 2017, 2018, and 2019 for these programs, demonstrating a growth in state spending in K-12 and higher education in the relevant period. The office of financial management must coordinate with the office of the superintendent of public instruction and legislative fiscal staff from the house of representatives office of program research and senate committee services on the data, quantification, and report required to seek a waiver to the state's maintenance of effort requirement. The office of the superintendent of public instruction may not submit maintenance of effort data, supporting materials, reports, or a waiver to the United States department of education without the review and approval of the office of financial management.

NEW SECTION. Sec. 955. The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

(i) Four tribal chairs, councils, or designees from a Washington federally recognized Indian tribe appointed and recommended by the Washington association of tribes;

(ii) Two members, each representing an urban Indian organization with an interest in gender-based violence;

(iii) Two members, each representing a tribal epidemiology center serving tribal or urban American Indian or Alaska native communities in Washington state;

(iv) One member representing the American Indian health commission;

(v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;

(vi) One member representing the governor's office of Indian affairs;

(vii) The chief of the Washington state patrol or his or her representative;

(viii) One member representing the Washington state office of the attorney general;

(ix) One member representing the Washington association of sheriffs and police chiefs;

(x) One member representing the Washington state association of counties;

(xi) One member representing the association of Washington cities;

(xii) One member representing the Washington association of prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(d) Where feasible, the task force may invite and consult with:

(i) An agent representing the federal bureau of investigation;

(ii) An agent representing the office of the United States attorneys; and

(iii) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(3) The legislative members shall convene the initial meeting of the task force no later than December 31, 2021, and thereafter convene:

(a) A minimum of two subsequent meetings; and

(b) One annual summit with the state agencies involved with the task force under subsection (1) of this section, including Washington tribes, and tribal and urban Indian organizations. The summit must be jointly coordinated with the Washington association of tribes, the governor's office of Indian affairs, and the centennial accord.

(4) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social, and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska native people;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska native people in Washington state;

(c) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies, and the extent feasible federal law enforcement agencies, to more effectively understand and address issues of gender-based violence facing American Indian and Alaska native people; and (ii) jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska native people and reducing the incidences of gender-based violence;

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska native communities for tribal, local, and state law enforcement personnel in Washington state.

(5) The task force, with the assistance of the Washington state office of the attorney general, must consult with Washington tribes and engage with urban Indian organizations to submit a preliminary report including any initial findings, recommendations and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022, and a final report by June 1, 2023.

(6)(a) The office of the attorney general must administer and provide staff support to the task force, organize the summit, and oversee the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may contract with the Seattle Indian health board, the American Indian health commission, or a similar organization for consulting and facilitation services. The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (4) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(d) On issues not defined in this section, the task force shall consult with the Washington state office of the attorney general for further interpretation.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day during which the member attends an official meeting of the task force or performs prescribed duties approved by the attorney general's office. A person shall not receive compensation for a day of service under this section if the person:

(a) Occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) Receives any compensation from such government for working that day. The attorney general's office, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

NEW SECTION. Sec. 956. A new section is added to chapter 43.79 RCW to read as follows:

(1) There is hereby created a joint select committee to be known as the joint legislative unanticipated revenue oversight committee with the following sixteen members:

(a) The majority and minority leaders of the senate;

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(b) The speaker and the minority leader of the house of representatives;

(c) Six additional members of the senate with three members from each of the two largest caucuses of the senate appointed by their respective leaders; and

(d) Six additional members of the house of representatives with three members from each of the two largest caucuses of the house of representatives appointed by their respective leaders.

(2) The cochairs of the committee are the leaders of the two largest caucuses of the senate in even-numbered years and the leaders of the two largest caucuses of the house of representatives in odd-numbered years.

(3) Staff support for the committee is provided by the senate committee services and the house of representatives office of program research.

(4) Members of the committee serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. The expenses of the committee are paid jointly by the senate and the house of representatives and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The purpose of the committee is to review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys from federal and nonstate sources pursuant to RCW 43.79.270(3). The committee is necessary to provide oversight of the legislature's delegation of state fiscal authority to the governor while the legislature is not in session and to prevent infringement on the legislature's constitutional power to appropriate state funds.

(6) The committee shall meet as necessary to review requests from the governor pursuant to RCW 43.79.270(3) and to provide comment within 14 calendar days. The committee may conduct its meetings and hold public hearings by conference telephone call, videoconference, or using similar technology equipment so that all persons participating in the meeting can hear each other at the same time. The committee shall adopt rules and procedures for its orderly operation. The activities of the committee are suspended during regular or special legislative sessions.

(7) If the committee chooses to conduct a public hearing on a proposed allotment amendment, the committee must provide the office of financial management with five calendar days notice of the public hearing. The office of financial management, or its designee, must appear before the committee to present the proposed allotment amendment and respond to questions. The committee may also require the state agency, department, board, or commission proposing the allotment amendment to appear before the committee, submit additional information, or engage in other activities necessary for the committee to review and comment on proposed allotment amendments.

(8) Action of the committee is limited to the review and comment on requests submitted by the governor under RCW 43.79.270(3). Action by the committee requires the majority vote of members of the committee in attendance at the meeting. Action may take the form of a recommendation approving the proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for governor consideration prior to approval under RCW 43.79.280. The committee's action is not binding on the governor.

NEW SECTION. Sec. 957. A new section is added to chapter 70.48 RCW to read as follows:

(1) A joint legislative task force on jail standards is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint 13 members representing the interests of: Prosecutors, defense attorneys, law enforcement, counties, cities, jail administrators, superior courts, district and municipal courts, a state designated protection and advocacy agency, medical and mental health service providers, a statewide civil legal aid organization, persons with lived experience, and other entities involved with or interested in the operation of local jails.

(2) The legislative membership shall convene the initial meeting of the task force. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of the attorney general.

(4)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, 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.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(5) The expenses of the task force must 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.

(6) The task force shall review the following issues:

(a) The adequacy of standards adopted and used by jails including, but not limited to, standards for conditions and operations, inspections, enforcement, and oversight;

(b) Current data on jails in the state including, but not limited to, square footage of living space per individual, jail capacity, average daily population over the previous five years, medical and dental services, mental health services, treatment programming options, accreditation status, use of force incidents over the previous five years, and in-custody deaths and the causes of those deaths;

(c) How the jails in the state compare to jail standards and practices in other states regarding safety and physical conditions; health and welfare; access to medical, mental health, dental care, and substance use disorder treatment; food quality and quantity; use of force; use of solitary confinement; and recreational activities and programming;

(d) The revenue sources and funding mechanisms used by other states to pay for local jails and the kinds of services that are provided to inmates in jails in other states, including identifying the entity that is responsible for financing those services;

(e) Inmate's access to jail telecommunication, electronic media, and commissary services, including the rates and fees charged by the jail for these services that are often borne by families of incarcerated individuals; and

(f) Other issues the task force deems relevant to the conditions of jails.

(7) The task force shall make recommendations regarding:

(a) Statewide minimum jail standards, oversight, or other policy changes to ensure jail conditions meet state and federal constitutional and statutory standards and include adequate safety and welfare safeguards for incarcerated persons and staff; and

(b) Restoration of a statewide authority to set mandatory minimum jail standards and conduct inspections of jails for compliance and enforcement of those standards.

(8) The task force shall consult with organizations and entities with interest or experience in jail standards and operations including, but not limited to, treatment providers, victims' advocates, inmate advocates, organizations representing jail employees and officers, and other community organizations.

(9) The Washington association of sheriffs and police chiefs and representatives from county, city, and regional jails must provide any data or information that is requested by the task force to perform its duties under this section.

(10) The task force shall report findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2023.

NEW SECTION. Sec. 958. A new section is added to chapter 43.79 RCW to read as follows:

The forest resiliency account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account are dedicated to activities that include but are not limited to forest health, carbon sequestration, and any other activity that helps protect the forests of Washington.

Sec. 959. RCW 10.99.800 and 2019 c 263 s 803 are each amended to read as follows:

(1) The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support.

(b) The work group must include a representative from each of the following organizations:

- (i) The Washington state gender and justice commission;
- (ii) The department of corrections;
- (iii) The department of social and health services;
- (iv) The Washington association of sheriffs and police chiefs;
- (v) The superior court judges' association;
- (vi) The district and municipal court judges' association;
- (vii) The Washington state association of counties;
- (viii) The Washington association of prosecuting attorneys;
- (ix) The Washington defender association;
- (x) The Washington association of criminal defense lawyers;
- (xi) The Washington state association of cities;
- (xii) The Washington state coalition against domestic violence;
- (xiii) The Washington state office of civil legal aid; and
- (xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

- (i) Treatment providers;
- (ii) City law enforcement;
- (iii) County law enforcement;
- (iv) Court administrators; and
- (v) Domestic violence victims or family members of a victim.

(3)(a) For its initial report in 2018, the work group shall research, review, and make recommendations on the following:

(i) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

(ii) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

(iii) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;

(iv) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

(v) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

(vi) Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

(vii) Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;

(viii) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

(ix) Encouraging private sector collaboration.

(b) The work group shall compile its findings and recommendations into an initial report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(4)(a) For its report in 2019, the work group shall:

(i) Research, review, and make recommendations on whether laws mandating arrest in cases of domestic violence should be amended and whether alternative arrest statutes should incorporate domestic violence risk assessment in domestic violence response to improve the response to domestic violence, and what training for law enforcement would be needed to implement an alternative to mandatory arrest;

(ii) Research, review, and make recommendations on how prior recommendations of the work group should be implemented in order to promote effective strategies to reduce domestic violence in Washington state;

(iii) Monitor, evaluate, and provide recommendations on the development and use of the risk assessment tool under RCW 9.94A.502; and

(iv) Provide recommendations on other items deemed appropriate by the work group.

(b) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2020.

(5) The work group must operate within existing funds.

(6) The Washington state institute for public policy shall publish a systematic review of the research literature on mandatory arrest in domestic violence cases. If possible, the study shall report the effects of mandatory arrest on domestic violence recidivism, general recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner homicide, or other reported outcomes. If possible, the study shall also report the research on alternatives to mandatory arrest.

(7) This section expires June 30, (~~2024~~) 2022.

Sec. 960. RCW 16.76.030 and 2017 c 257 s 4 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed

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to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in RCW 16.76.020. Only the director may authorize expenditures from the account in consultation with the advisory board created in RCW 16.76.020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in RCW 16.76.020 may solicit and receive gifts and grants from public and private sources for the purposes of RCW 16.76.020.

(3) During the 2021-2023 fiscal biennium, expenditures from the account may be used for wolf-livestock management as well as for grants to the sheriffs' offices of Stevens and Ferry counties for providing a local wildlife specialist to aid the department of fish and wildlife in the management of wolves.

Sec. 961. RCW 28B.20.476 and 2019 c 415 s 953 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president'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. During the 2017-2019 ~~((and)),~~ 2019-2021, and 2021-2023 fiscal biennia, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems ~~((, and to protect against the impacts of invasive European green crab))~~. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 962. RCW 28B.115.070 and 2019 c 415 s 954, 2019 c 406 s 72, and 2019 c 302 s 6 are each reenacted and amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

~~((+))~~ (a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

~~((2))~~ (b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

~~((3))~~ (c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) For the 2017-2019, ~~((and))~~ 2019-2021, and 2021-2023 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.

(3) For the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, eligibility for loan repayment shall also be given to chiropractors.

(4) During the 2019-2021 and 2021-2023 fiscal biennia, the department must consider pediatric and juvenile rheumatologists for eligibility for loan repayment.

Sec. 963. RCW 38.52.105 and 2020 c 7 s 6 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts, including response by state and local government and federally recognized tribes to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020, and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia, expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund. It is the intent of the legislature that these policies will be continued in subsequent fiscal biennia.

Sec. 964. RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a

monthly basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the office of financial management may use the personnel service fund to administer an employee transit pass program. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

Sec. 965. RCW 41.26.450 and 2019 c 415 s 958 are each amended to read as follows:

(1) Port districts established under Title 53 RCW and institutions of higher education as defined in RCW 28B.10.016 shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers.

(2) Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are firefighters.

(3) During fiscal years 2018 and 2019 and during the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia:

When an employer charges a fee or recovers costs for work performed by a plan member where:

(a) The member receives compensation that is includable as basic salary under RCW 41.26.030(4)(b); and

(b) The service is provided, whether directly or indirectly, to an entity that is not an "employer" under RCW 41.26.030(14)(b); the employer shall contribute both the employer and state shares of the cost of the retirement system contributions for that compensation. Nothing in this subsection prevents an employer from recovering the cost of the contribution from the entity receiving services from the member.

Sec. 966. RCW 41.45.230 and 2019 c 415 s 959 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system, and during the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia for the judicial retirement system. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and may be invested by the state treasurer pursuant to RCW 43.84.080. For purposes of RCW 43.135.034, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

Sec. 967. RCW 41.60.050 and 2019 c 415 s 960 are each amended to read as follows:

The legislature shall appropriate from the personnel service fund for the payment of administrative costs of the productivity board. However, during the 2015-2017, 2017-2019, ~~((and))~~ 2019-

2021, and 2021-2023 fiscal biennia, the operations of the productivity board shall be suspended.

Sec. 968. RCW 41.80.010 and 2020 c 77 s 4 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a)(i) Except as otherwise provided, if an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(ii) For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Exclusive bargaining representatives that represent employees covered under chapter 41.06 RCW and exclusive bargaining representatives that represent employees exempt under chapter 41.06 RCW shall constitute separate coalitions and must negotiate separate master collective bargaining agreements. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(d) For assistant attorneys general, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement

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unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(6) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(7)(a) For the 2019-2021 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by a higher education institution and the Washington federation of state employees and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) Subsection (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

(8)(a) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated by the governor or governor's designee and the Washington public employees association community college coalition and the general government agencies and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(b) For the 2021-2023 fiscal biennium, the legislature may approve funding for a collective bargaining agreement negotiated between Highline Community College and the Washington public employees association and ratified by the exclusive bargaining representative before final legislative action on the omnibus appropriations act by the sitting legislature.

(c) Subsection (3)(a) and (b) of this section does not apply to requests for funding made pursuant to this subsection.

Sec. 969. RCW 43.08.190 and 2019 c 415 s 962 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be

used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

~~((During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.))~~ During the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of money in the state treasurer's service fund to the state general fund. It is the intent of the legislature that this policy will be continued in subsequent biennia.

Sec. 970. RCW 43.09.475 and 2019 c 415 s 963 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, the department of fish and wildlife, and audits of school districts. In addition, during the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

Sec. 971. RCW 43.79.195 and 2020 c 2 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs. For the 2019-2021 ~~((biennium))~~ and 2021-2023 fiscal biennia, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

Sec. 972. RCW 43.79.270 and 2005 c 319 s 105 are each amended to read as follows:

(1) ~~((Whenever))~~ Except as provided in subsection (3) of this section, whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) ~~((Notwithstanding))~~ Except as provided in subsection (3) of this section, and notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate at the same time as it is transmitted to the governor.

(3) During the 2021-2023 fiscal biennium, whenever any money in the amount of \$5,000,000 or more, from the federal government, or from other sources, which was not anticipated in the operating, capital, or transportation budget approved by the legislature has been awarded or has actually been received when the legislature is not in session and the use of the money is unrestricted or provides discretion to use the moneys for more than one agency, program, or purpose, the governor must:

(a) Submit a copy of the proposed allotment amendment to the joint legislative unanticipated revenue oversight committee;

(b) Provide an explanation of the timing, source, and availability of such funds and why the need for the expenditure could not have been anticipated in time for such expenditure to have been approved as part of a budget act for that particular fiscal year; and

(c) Provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal the opportunity to review and comment on the proposed allotment amendment before approving under RCW 43.79.280.

Sec. 973. RCW 43.79.280 and 2009 c 549 s 5150 are each amended to read as follows:

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(1) ~~((H))~~ Except as provided in subsection (3) of this section, if the governor approves such estimate in whole or part, he or she shall endorse on each copy of the statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he or she shall endorse on each copy of the statement his or her approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate.

(3) During the 2021-2023 fiscal biennium, before the governor may approve a proposed allotment amendment impacting the operating, capital, or transportation budget as provided in RCW 43.79.270(3), the governor must provide the joint legislative unanticipated revenue oversight committee 14 calendar days from submittal to review and comment on the proposal. If the governor approves a proposed allotment amendment that the committee rejected or is not modified to reflect the committee's alternative allotment amendment, the governor must submit a written explanation of the reasoning of such action to the joint legislative unanticipated revenue oversight committee within five days of approval. To change the amount, use, or purpose of an approved allotment amendment under this subsection, the head of any department, agency, board, or commission must request the change using the process provided in RCW 43.79.270(3). For all other changes, if the governor approves the change, a copy of the statement of approval must be sent to the joint legislative unanticipated revenue oversight committee.

Sec. 974. RCW 43.88.585 and 2013 c 63 s 1 are each amended to read as follows:

(1) By January 1, 2014, the office of financial management shall compile, maintain, and periodically update an inventory of all fees imposed by state agencies and institutions of higher education pursuant to statute or administrative rule. At a minimum, the inventory shall identify the agency or institution collecting the fee, the purpose of the fee, the current amount of the fee, the amount of the fee over the previous five years, and the statutory authority for the fee. The office of financial management may aggregate or consolidate fee information when there is commonality among the fee payers or the purposes for which the fee is paid.

(2) To facilitate the fee inventory under this section, each state agency and institution of higher education shall report the information required under subsection (1) of this section to the office of financial management and shall update the information at least every two years.

(3) The fee inventory under this section shall be incorporated into the state expenditure information web site maintained by the legislative evaluation and accountability program committee under RCW 44.48.150.

(4) The office of financial management shall convene a work group consisting of representatives from the legislative evaluation and accountability program committee, the office of regulatory assistance, the department of licensing, the department of labor and industries, the department of transportation, and the department of health to develop a process to facilitate more frequent updates to the inventory and to recommend changes to increase public accessibility.

(5) For purposes of this section, "fee" means any charge, fixed by law or administrative rule, for the benefit of a service or to cover the cost of a regulatory program or the costs of administering a program for which the fee payer benefits. "Fee" does not include taxes; penalties or fines; intergovernmental charges; commercial charges; pension or health care contributions or rates; industrial, unemployment, or other state-operated insurance programs; or individualized cost recoveries.

(6) The requirements in this section are suspended during the 2019-2021 and 2021-2023 fiscal biennia.

Sec. 975. RCW 43.88C.010 and 2020 c 352 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(11) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(12) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

(13) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

Sec. 976. RCW 43.99N.060 and 2009 c 497 s 6026 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(~~(5)~~) (1)(d) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a)

of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. In the 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the youth athletic facility account to support a task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities and local parks agency facilities with the goal of increasing physical activity for youth and families. A portion of the appropriation must be used to inventory K-12 school fields and athletic facilities and park agency facilities.

Sec. 977. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially

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employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 978. RCW 43.101.220 and 2020 c 119 s 14 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the certification requirement under RCW 43.101.096 who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

Sec. 979. RCW 43.155.050 and 2019 c 415 s 972 and 2019 c 413 s 7033 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the ~~((2017-2019 and))~~ 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. ~~((It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.))~~ If chapter 365, Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act.

Sec. 980. RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, expenditures from the account may also be used for shelter capacity grants.

Sec. 981. RCW 43.185C.190 and 2011 1st sp.s. c 50 s 955 are each amended to read as follows:

The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs. ~~((During the 2011-2013 fiscal biennium, moneys in the account may be transferred to the home security fund.))~~ During the 2021-2023 fiscal biennium, expenditures from the account may be used for operations, maintenance, and services for permanent supportive housing as defined in RCW 36.70A.030. It is the intent of the legislature to continue this policy in future biennia.

Sec. 982. RCW 43.320.110 and 2019 c 415 s 973 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2021-2023 fiscal ~~((biennium))~~ biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 fiscal biennium, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. It is the intent of the legislature to continue this policy in subsequent biennia.

(9) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation ~~((account fund))~~ fund to the general fund.

Sec. 983. RCW 43.372.070 and 2019 c 415 s 975 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the

investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.

(3) Except as provided in subsection (5) of this section, until July 1, 2016, expenditures from the account may only be used for the purposes of:

(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;

(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

(5) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the marine resources stewardship trust account to the aquatic lands enhancement account.

Sec. 984. RCW 43.380.020 and 2019 c 415 s 976 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

(3) Except during the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the department may not designate additional full-time staff to the administration of the council beyond the executive director.

Sec. 985. RCW 46.09.520 and 2015 3rd sp.s. c 44 s 110 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer must refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.38 RCW, based on: (a) A tax rate of: (i) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (ii) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (iii) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (iv) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; (v) twenty-three cents per gallon of motor vehicle fuel from July 1, 2011, through July 31, 2015; (vi)

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thirty cents per gallon of motor vehicle fuel from August 1, 2015, through June 30, 2016; and (vii) thirty-four and nine-tenths cents per gallon of motor vehicle fuel from July 1, 2016, through June 30, 2031; and (b) beginning July 1, 2031, and thereafter, the state's motor vehicle fuel tax rate in existence at the time of the fuel purchase, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer must place these funds in the general fund as follows:

(a) Thirty-six percent must be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent must be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent must be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent must be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection must be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.68.045, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) are known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.68.045, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The

legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation of state parks or to improve accessibility for boaters and off-road vehicle users at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. The appropriations under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

(5) During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the NOVA account to the department of natural resources to support programs that benefit ORV, nonhighway road and nonmotorized recreational facilities.

Sec. 986. RCW 69.50.540 and 2020 c 357 s 916 and 2020 c 236 s 4 are each reenacted and amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million ~~((seven hundred ninety-three))~~ four hundred twenty-three thousand dollars for fiscal ~~((year))~~ years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 (~~and~~), four hundred sixty-four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy-six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for each of fiscal years 2020 ((and eight hundred eight thousand dollars for fiscal year 2021)) through 2023 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020 ((and), six hundred thirty-five thousand dollars for fiscal year 2021, six hundred twenty-one thousand dollars for fiscal year 2022, and six hundred twenty-seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) ~~((One million one hundred thousand dollars annually))~~ One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; and

(j) ~~((One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses)))~~ One hundred sixty-three thousand dollars for fiscal year 2022 and one hundred fifty-nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under Engrossed Substitute House Bill No. 1443 (cannabis industry/equity); and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the ~~((2017-2019 and))~~ 2019-2021 and 2021-2023 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the ~~((2019-2021))~~ 2023-2025 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of

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all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. ~~((It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.))~~

Sec. 987. RCW 70A.200.140 and 2020 c 20 s 1076 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or

by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs 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). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; and

(c) Forty percent to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs 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).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

(5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.

Sec. 988. RCW 70A.305.180 and 2020 c 20 s 1319 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; ~~(and)~~

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) For the 2021-2023 fiscal biennium, and solely to continue the policy of previous biennia, forest practices at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

Sec. 989. RCW 71.24.580 and 2020 c 357 s 917 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for

criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. ~~((During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund.))~~ During the 2019-2021 and 2021-2023 fiscal biennia, funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the legislature may appropriate from the account for municipal drug courts and increased treatment options~~((and))~~. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans

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submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 990. RCW 74.13.715 and 2020 c 33 s 2 are each amended to read as follows:

(1) Beginning September 1, 2020, the department shall contract with an external organization or organizations with experience serving youth or families receiving out-of-home care services to implement and operate the family connections program, which facilitates interaction between a parent of a child found to be

dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed.

(2) The external organization or organizations contracted to implement and operate the family connections program shall implement and operate the family connections program in one location west of the crest of the Cascade mountains, and one location east of the crest of the Cascade mountains.

(3) Families may be referred to the family connections program by a caseworker, an attorney, a guardian ad litem as defined in RCW 13.34.030, a parent ally, an office of public defense social worker, or the court.

(4) After receiving a referral, the family connections program shall determine whether an in-person meeting between a parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed is appropriate. If the family connections program determines that such a meeting is appropriate, the family connections program shall then determine whether:

(a) The parent of a child found to be dependent pursuant to chapter 13.34 RCW and in out-of-home care and the individual with whom the child is placed are willing to participate in an in-person meeting; and

(b) Safety concerns exist such that an in-person meeting should not occur.

(5) If the family connections program determines that an in-person meeting should occur following the analysis required by subsection (4) of this section, the family connections program shall provide a referral to the family connections program team. The family connections program team shall include a parent ally and an experienced caregiver. After receiving a referral, the family connections program team shall:

(a) Ensure that the parent ally contact the parent to prepare for an in-person meeting between the parent and caregiver;

(b) Ensure that the experienced caregiver contact the caregiver to prepare for an in-person meeting between the parent and caregiver;

(c) Convene an in-person meeting between the parent and caregiver; and

(d) Provide ongoing support to the parent and caregiver following the in-person meeting.

(6) If the family connections program determines that an in-person meeting should not occur following the analysis required under subsection (4) of this section, the family connections program team shall facilitate the exchange of information between the parent and caregiver in an appropriate manner that does not include an in-person meeting. The format of this exchange of information may include written messages, phone calls, or videoconferencing. The family connections program shall routinely reevaluate whether an in-person meeting should occur using the analysis required under subsection (4) of this section.

(7) The department shall collect data and measure outcomes for families engaging in the family connections program. By September 1, 2021, and in compliance with RCW 43.01.036, the department shall submit a report to the relevant committees of the legislature that details:

(a) Data collected for the family connections program;

(b) Outcomes for families engaging in the family connections program; and

(c) The department's plan on how to expand the family connections program statewide.

(8) The definitions in this subsection apply throughout this section:

(a) "Experienced caregiver" means:

(i) An individual who is or has received a foster-family home license pursuant to chapter 74.15 RCW or an equivalent license from another state; or

(ii) An individual who cared for a child who was removed from his or her parent pursuant to chapter 13.34 RCW and who has a kin relationship to that child pursuant to RCW 74.13.600.

(b) "Parent ally" has the same meaning as provided in RCW 2.70.060.

(9) This section expires June 30, (~~2022~~) 2023.

Sec. 991. RCW 74.46.485 and 2017 c 286 s 1 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living. Therefore, the department shall:

(a) Employ the resource utilization group IV case mix classification methodology. The department shall use the fifty-seven group index maximizing model for the resource utilization group IV grouper version MDS 3.05, but in the 2021-2023 biennium the department may revise or update the (~~classification~~) methodology used to establish case mix classifications to reflect advances or refinements in resident assessment or classification, (~~subject to federal requirements~~) as made available by the federal government. The department may adjust by no more than thirteen percent the case mix index for resource utilization group categories beginning with PA1 through PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost-efficient care, excluding behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section. The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

(4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident. The default case mix group and case mix weight for these cases shall be designated by the department.

Sec. 992. RCW 74.46.501 and 2016 c 131 s 5 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question based on the resident assessment instrument completed by the facility and the

requirements and limitations for the instrument's completion and transmission (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as specified by rule.

(5) The cutoff date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the cost-rebasing period facility average case mix index will be used throughout the applicable cost-rebasing period in combination with cost report data as specified by RCW 74.46.561, to establish a facility's allowable cost per case mix unit. To allow for the transition to minimum data set 3.0 and implementation of resource utilization group IV for July 1, 2015, through June 30, 2016, the department shall calculate rates using the medicaid average case mix scores effective for January 1, 2015, rates adjusted under RCW 74.46.485(1)(a), and the scores shall be increased each six months during the transition period by one-half of one percent. The July 1, 2016, direct care cost per case mix unit shall be calculated by utilizing 2014 direct care costs, patient days, and 2014 facility average case mix indexes based on the minimum data set 3.0 resource utilization group IV grouper 57. Otherwise, a facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate semiannually.

(b) (~~The~~) Except during the 2021-2023 fiscal biennium, the facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes from the four calendar quarters occurring during the cost report period used to rebase the direct care component rate allocations as specified in RCW 74.46.561.

(c) (~~The~~) Except during the 2021-2023 fiscal biennium, the medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate semiannually shall be from the calendar six-month period commencing nine months prior to the effective date of the semiannual rate. For example, July 1, 2010, through December 31, 2010, direct care component rates shall utilize case mix averages from the October 1, 2009, through March 31, 2010, calendar quarters, and so forth.

(d) The department shall establish a methodology to use the case mix to set the direct care component in the 2021-2023 fiscal biennium.

Sec. 993. RCW 74.46.561 and 2020 c 357 s 918 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be

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designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but for fiscal year 2023 shall be ((set)) capped so that a nursing home provider's direct care rate does not exceed one hundred (~~eighteen~~) thirty percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). The legislature intends to remove the cap on direct care rates by June 30, 2027. Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using countywide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMean rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMean construction index value per square foot. The department may use updated RSMean construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality

measure points, identified in the most recent available five-star quality rating system technical user's guide published by the ~~(centers))~~ centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the

department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 994. RCW 79.64.040 and 2019 c 415 s 984 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130,

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provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, ~~((and))~~ 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

Sec. 995. RCW 79.64.110 and 2019 c 415 s 985 and 2019 c 309 s 1 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute

funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 996. RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether

the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 997. RCW 79A.25.210 and 2019 c 415 s 987 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount

to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 fiscal biennium, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).

Sec. 998. RCW 82.08.170 and 2020 c 357 s 919 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, during the months of January, April, July, and October of each year, the state treasurer must make the transfers required under subsections (2) and (3) of this section from the liquor excise tax fund and then the apportionment and distribution of all remaining moneys in the liquor excise tax fund to the counties, cities, and towns in the following proportions: (a) Twenty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; and (b) eighty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210.

(2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1)(a) of this section, the treasurer shall transfer to the liquor revolving fund created in RCW 66.08.170 sufficient moneys to fund the allotments from any legislative appropriations for county research and services as provided under chapter 43.110 RCW.

(3) During the months of January, April, July, and October of each year, the state treasurer must transfer two million five hundred thousand dollars from the liquor excise tax fund to the state general fund.

(4) During calendar year 2012, the October distribution under subsection (1) of this section and the July and October transfers under subsections (2) and (3) of this section must not be made. During calendar year 2013, the January, April, and July distributions under subsection (1) of this section and transfers under subsections (2) and (3) of this section must not be made.

(5) During the 2015-2017 (~~and~~), 2019-2021, and 2021-2023 fiscal biennia, the liquor excise tax fund may be appropriated for the local government fiscal note program in the department of commerce. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium.

Sec. 999. RCW 82.14.310 and 2019 c 415 s 988 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

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(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsections (4) and (5) of this section, must be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city is as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court must be determined by the most recent annual report of the courts of Washington, as published by the administrative office of the courts;

(iv) Distributions and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions must be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes and may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account may be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements may not supplant existing funds from the state general fund.

(5) During the 2017-2019 fiscal biennium, the sum of one hundred fifty-three thousand dollars, and during the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the sum of five hundred ten thousand dollars, may be appropriated for the Washington state patrol to provide investigative assistance and

report services to assist local law enforcement agencies to prosecute criminals. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

Sec. 1000. RCW 90.50A.090 and 2019 c 415 s 992 are each amended to read as follows:

(1) The water pollution control revolving administration account is created in the state treasury. All receipts from charges authorized in this section must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only in a manner consistent with this section.

(2) The department is authorized to assess administration charges as a portion of the debt service for loans issued under the water pollution control revolving fund created in RCW 90.50A.020. The sole purpose of assessing administration charges is to predictably and adequately fund the department's costs of administering the water pollution control revolving fund loan program, as identified in subsection (5) of this section. The department must assess administration charges on each water pollution control revolving fund loan at the point the loan enters repayment status, after July 28, 2013, and rule changes are adopted to implement the administration charge. Loans that are at an interest rate below the established administration charge rate are exempt from the administration charge.

(3) The water pollution control revolving administration account consists of:

(a) Any administration charge levied by the department in conjunction with administration of the water pollution control revolving fund; and

(b) Any other revenues derived from gifts, grants, or bequests pledged to the state for the purpose of administering the water pollution control revolving fund.

(4) The state treasurer may invest and reinvest moneys in the water pollution control revolving administration account in the manner provided by law. All earnings from such investment and reinvestment must be credited to the water pollution control revolving administration account.

(5) Moneys in the water pollution control revolving administration account are to be used for the following water pollution control revolving fund loan program costs:

(a) Administration costs associated with conducting application processes, managing contracts, collecting loan repayments, managing the revolving fund, providing technical assistance, and meeting state and federal reporting requirements; and

(b) Information and data system costs associated with loan tracking and fund management.

(6) Each biennium, the department may spend from the water pollution control revolving administration account an amount no greater than four percent of the water pollution control revolving fund new capital appropriation.

(7) For its 2017-2019 biennial operating budget submittal, and every biennium thereafter, the department must compare the projected water pollution control revolving administration account balance and the projected administration charge income with projected program costs, including an adequate working capital reserve as defined by the office of financial management. In its submittal to the office of financial management, the department may:

(a) Find that the projected administration charge income is inadequate to fund the cost of administering the program, and that the rate of the charge must be increased. However, the administration charge may never exceed one percent on the declining principal loan balance;

(b) Find that the projected administration charge income exceeds what is needed to fund the cost of administering the program, and that the rate of the charge must be decreased;

(c) Find that there is an excess balance in the revolving administration account, and that the excess must be transferred to the water pollution control revolving fund to be used for loans; or

(d) Find that there is no need for any rate adjustments or balance transfers.

(8) At the point where the water pollution control revolving administration account adequately covers the program administration costs, the department may no longer use the federal administration allowance. If a federal capitalization grant is awarded after that point, all federal capitalization dollars must be used for making loans.

(9) By December 1, 2018, the department must submit to the appropriate legislative fiscal committees a report on implementation of the administration charge, including information on: The amount of income the administration charge has produced since its inception; the uses and adequacy of the income for administrative costs; any excess balances that have been transferred to the water pollution control revolving fund; and any additional sources that the department is using for program administration.

(10) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the water pollution control revolving administration account to the water pollution control revolving ~~((account [fund]))~~ fund.

Sec. 1001. 2019 c 415 s 729 (uncodified) is amended to read as follows:

FOR THE GAMBLING COMMISSION—PROBLEM GAMBLING TASK FORCE

General Fund—State Appropriation (FY 2020)..... \$100,000
 TOTAL APPROPRIATION..... \$100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for expenditure into the gambling revolving account for the gambling commission to contract for a facilitator to staff and assist with a joint legislative task force on problem gambling as provided in subsection (2) of this section. At a minimum, the contract must provide for the facilitation of meetings, to moderate the discussion, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance to assist in their preparation and timely response for meetings, and to synthesize agreements and recommendations ensuring the task force meets its reporting requirements.

(2) A joint legislative task force on problem gambling is created. The task force membership is composed of:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the health care authority;

(d) A representative from the department of health;

(e) A representative from the gambling commission;

(f) A representative from the state lottery;

(g) A representative from the horse racing commission;

(h) A representative from a nonprofit organization with experience in problem gambling treatment and recovery services;

(i) Two representatives with experience in problem gambling treatment and recovery services, at least one of whom must be from a federally recognized Indian tribe;

(j) A member of the public who is impacted by a gambling problem or gambling disorder;

(k) A representative from a problem gambling recovery group or organization;

(l) A representative from a mental health provider group or organization;

(m) A representative from a licensed gambling business or organization;

(n) A representative from a federally recognized tribal gaming operation, group, or organization; and

(o) Other representatives from federally recognized Indian tribes, state agency representatives, or stakeholder group representatives, at the discretion of the task force, for the purpose of participating in specific topic discussions or subcommittees.

(3) The task force shall engage in the following activities:

(a) Review findings of the gambling commission's problem gambling study and report completed in 2018-2019;

(b) Review existing prevention, treatment, and recovery services to address problem gambling and gambling disorders in this state by public, private, and nonprofit entities;

(c) Review existing programs, services, and treatment to address problem gambling and gambling disorders in other states and the federal government;

(d) Make recommendations to the legislature regarding:

(i) How to proceed forward with a state prevalence study measuring the adult participation in gambling and adult problem gambling in this state;

(ii) Whether this state should expand state funding for prevention, treatment, and recovery services to address the need for these programs; and

(iii) What steps the state should take to improve the current licensing and certification of problem gambling providers to meet the current and projected future demand for services; and

(e) Identify additional problem gambling areas for consideration and any actions needed to ensure the state and/or regulatory agencies are effectively addressing problem gambling in an attempt to reduce the number of persons impacted by this disorder.

(5) Staff support for the task force must be provided by the agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section. The state agencies, departments, and commissions identified in subsection (2)(c) through (g) of this section may enter into an interagency agreement related to the provision of staff support for the task force. Unless it is expressly provided for in the agreement between the agencies, departments, and commissions, nothing in this subsection requires staff of each of the agencies, departments, and commissions identified in subsection (1)(c) through (g) of this section to provide staff support to the task force.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The task force shall submit a preliminary report of recommendations to the appropriate committees of the legislature by November 1, 2020, and a final report by November 30, ~~((2021))~~ 2022.

Sec. 1002. 2019 c 415 s 952 (uncodified) is amended to read as follows:

(1) The Washington state criminal sentencing task force is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

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(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

- (i) The office of the governor;
- (ii) Caseload forecast council;
- (iii) Department of corrections;
- (iv) Sentencing guidelines commission;
- (v) Statewide family council administered by the department of corrections;
- (vi) Statewide reentry council;
- (vii) Superior court judges' association;
- (viii) Washington association of criminal defense attorneys or the Washington defender association;
- (ix) Washington association of prosecuting attorneys;
- (x) Washington association of sheriffs and police chiefs;
- (xi) Washington state association of counties;
- (xii) Washington state minority and justice commission;
- (xiii) A labor organization representing active law enforcement officers in Washington state;
- (xiv) Two different community organizations representing the interests of incarcerated persons; and
- (xv) Two different community organizations or other entities representing the interests of crime victims.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2019. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member.

(4) The task force shall review state sentencing laws, including a consideration of the report of the sentencing guidelines commission required by section 129, chapter 299, Laws of 2018. The task force shall develop recommendations for the purpose of:

(a) Reducing sentencing implementation complexities and errors;

(b) Improving the effectiveness of the sentencing system; and

(c) Promoting and improving public safety.

(5) The task force shall submit an initial report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 31, 2019. The task force shall submit a final report by December 31, 2020.

(6)(a) The William D. Ruckelshaus center shall administer and provide staff support and facilitation services to the task force. The center may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsection (4) of this section.

(b) The caseload forecast council shall provide information, data analysis, and other necessary assistance upon the request of the task force.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) This section expires ~~((January 1, 2024))~~ June 30, 2022.

Sec. 1003. 2020 c 127 s 14 (uncodified) is amended to read as follows:

The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the

gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, ~~((2024))~~ 2023.

Sec. 1004. RCW 43.70.--- and 2021 c 3 s 19 are each amended to read as follows:

(1) The COVID-19 public health response account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature and grants received by the department of health for activities in response to the coronavirus pandemic (COVID-19). Only the secretary, or the secretary's designee, may authorize expenditures from the account for costs related to the public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 public health response account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) The legislature finds that a safe, efficient, and effective delivery of vaccinations is of the utmost importance for restoring societal and economic functions. As we learn more about the virus, the vaccine, and challenges to vaccine allocation and distribution, it is anticipated that the state's COVID-19 vaccination distribution plan will evolve. To that end, the legislature has provided flexibility by funding ~~((vaccine expenditure))~~ expenditures for testing, contact tracing, mitigation activities, vaccine administration and distribution, and other allowable uses for the state, local health jurisdictions, and tribes at the discretion of the secretary and without an appropriation. However, to maintain fiscal control and to ensure spending priorities align, the department is required to collaborate and communicate with the chairs and ranking members of the health care and fiscal committees of the legislature and local health jurisdictions in advance of any significant revision of the state's COVID-19 vaccination plan and to provide regular updates on its implementation and spending.

(b) As part of the public health response to COVID-19, the expenditures from the account must be used to effectively administer the vaccine for COVID-19 and conduct testing and contact tracing. The department must ensure that COVID-19 outreach is accessible, culturally and linguistically appropriate, and that it includes community-driven partnerships and strategies.

(c) When making expenditures for administering the vaccine for COVID-19, the department must focus on identifying persons for vaccination, prioritizing underserved, underrepresented, and hard-to-reach communities, making the vaccine accessible, and providing support to schools for safe reopening. Strategies for vaccine distribution shall include the establishment and expansion of community vaccination centers, mobile vaccination units, reporting enhancements, in-home visits for vaccinations for the elderly, and transportation of individuals to vaccination sites.

(d) When making expenditures regarding testing and contact tracing, the department must provide equitable access, prioritize underserved, underrepresented, and hard-to-reach communities, and provide support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(e) The department may also make expenditures from the account related to developing the public health workforce using funds granted by the federal government for that purpose in section 2501, the American rescue plan act of 2021, P.L. 117-2.

(3) When making expenditures from the account, the department must include an emphasis on public communication regarding the availability and accessibility of the vaccine and

testing, and the importance of vaccine and testing availability to the safe reopening of the state.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response.

(b) To the extent that it is available, the report must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities.

(c) The first monthly report is due no later than one month from February 19, 2021. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 response account is less than \$100,000.

**PART XI
GENERAL GOVERNMENT
SUPPLEMENTAL**

Sec. 1101. 2020 c 357 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State	Appropriation (FY 2020)	.....((\$40,403,000))
		<u>\$40,378,000</u>
General Fund—State	Appropriation (FY 2021)	.....((\$44,256,000))
		<u>\$42,560,000</u>
Pension Funding Stabilization Account—State	Appropriation.....	\$4,266,000
TOTAL APPROPRIATION.....	.....((\$88,925,000))	<u>\$87,204,000</u>

The appropriations in this section are subject to the following conditions and limitations: ((+)) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

Sec. 1102. 2020 c 357 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State	Appropriation (FY 2020)	.....((\$28,736,000))
		<u>\$28,711,000</u>
General Fund—State	Appropriation (FY 2021)	.....((\$33,869,000))
		<u>\$32,417,000</u>
Pension Funding Stabilization Account—State	Appropriation.....	\$2,932,000
TOTAL APPROPRIATION.....	.....((\$65,537,000))	<u>\$64,060,000</u>

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

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource

officer consistent with the implementation of the senate's appropriate workplace conduct policy.

Sec. 1103. 2020 c 357 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Performance Audits of Government Account—State	
Appropriation.....	((\$9,844,000))
	<u>\$9,240,000</u>
TOTAL APPROPRIATION	((\$9,844,000))
	<u>\$9,240,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

(2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

Sec. 1104. 2020 c 357 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State	
Appropriation.....	((\$4,585,000))
	<u>\$4,538,000</u>
TOTAL APPROPRIATION	((\$4,585,000))
	<u>\$4,538,000</u>

Sec. 1105. 2020 c 357 s 105 (uncodified) is amended to read as follows:

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FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2020).....	\$12,086,000
General Fund—State Appropriation (FY 2021)	
.....	(\$13,946,000)
	<u>\$13,721,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$822,000
TOTAL APPROPRIATION.....	(\$26,854,000)
	<u>\$26,629,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

Sec. 1106. 2020 c 357 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2020).....	\$333,000
General Fund—State Appropriation (FY 2021).....	(\$347,000)
	<u>\$344,000</u>

State Health Care Authority Administrative Account—	
State Appropriation.....	(\$471,000)
	<u>\$470,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000
Department of Retirement Systems Expense Account—	
State Appropriation.....	(\$5,721,000)
	<u>\$5,652,000</u>

TOTAL APPROPRIATION.....	(\$6,900,000)
	<u>\$6,827,000</u>

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

(1) \$35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW. In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

Sec. 1107. 2020 c 357 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2020).....	\$5,000,000
General Fund—State Appropriation (FY 2021).	(\$5,520,000)

\$5,417,000

Pension Funding Stabilization Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION	(\$11,086,000)
	<u>\$10,983,000</u>

Sec. 1108. 2020 c 357 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2020).....	\$4,213,000
General Fund—State Appropriation (FY 2021).....	(\$4,694,000)
	<u>\$4,608,000</u>

Pension Funding Stabilization Account—State	
Appropriation	\$436,000
TOTAL APPROPRIATION	(\$9,343,000)
	<u>\$9,257,000</u>

Sec. 1109. 2020 c 357 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2020).....	\$64,580,000
General Fund—State Appropriation (FY 2021)	
.....	(\$72,151,000)
	<u>\$70,825,000</u>

General Fund—Federal Appropriation.....	\$2,203,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation	\$6,692,000

Pension Funding Stabilization Account—State	
Appropriation	\$4,572,000
Judicial Information Systems Account—State	
Appropriation	\$63,233,000
TOTAL APPROPRIATION	(\$214,112,000)
	<u>\$212,786,000</u>

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

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

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing and case management of truancy, children in need of services, and at-risk youth ~~(petitions)~~ referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it

penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(12) \$298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(13) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary

treatment act). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(14) \$207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(16) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(17) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

~~((20))~~ (19) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~((21))~~ (20) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(22) \$1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). ~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((23))~~ (21) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

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(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

Sec. 1110. 2020 c 357 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2020).....	\$20,949,000
General Fund—State Appropriation (FY 2021)	
.....	(\$22,951,000)
	<u>\$22,283,000</u>

Judicial Stabilization Trust Account—State	
Appropriation.....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$44,000
TOTAL APPROPRIATION.....	(\$45,408,000)
	<u>\$44,740,000</u>

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

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ~~(\$307,500)~~ \$57,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$317,500 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) \$165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

Sec. 1111. 2020 c 357 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2020).....	\$9,858,000
General Fund—State Appropriation (FY 2021)	
.....	(\$10,454,000)
	<u>\$8,637,000</u>

Economic Development Strategic Reserve Account—State	
Appropriation.....	\$7,000,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$674,000
TOTAL APPROPRIATION.....	(\$27,986,000)
	<u>\$26,169,000</u>

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

(1) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission).

(4) \$397,000 of the general fund state—appropriation for fiscal year 2020 ~~((and \$353,000 of the general fund state—appropriation for fiscal year 2021 are))~~ is provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) \$966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

Sec. 1112. 2020 c 357 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2020).....	\$1,313,000
General Fund—State Appropriation (FY 2021).((\$1,545,000))	
	<u>\$1,553,000</u>
General Fund—Private/Local Appropriation.....	\$90,000

Pension Funding Stabilization Account—State	
Appropriation	\$54,000
TOTAL APPROPRIATION	(\$3,002,000)
	<u>\$3,010,000</u>

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

(1) \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) \$195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

Sec. 1113. 2020 c 357 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2020)	\$5,532,000
General Fund—State Appropriation (FY 2021) ((\$5,456,000))	
	<u>\$5,344,000</u>

Public Disclosure Transparency Account—State	
Appropriation	\$714,000
Pension Funding Stabilization Account—State	
Appropriation	\$260,000
TOTAL APPROPRIATION	(\$11,962,000)
	<u>\$11,850,000</u>

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

(1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct).

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

- (i) The responsibilities of treasurers and deputy treasurers;
- (ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) \$140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

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

Sec. 1114. 2020 c 357 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

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General Fund—State Appropriation (FY 2020),...	\$34,997,000
General Fund—State Appropriation (FY 2021)(((\$19,562,000))
	<u>\$19,449,000</u>
General Fund—Federal Appropriation .....	.....(((\$8,098,000))
	<u>\$8,046,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation .....	.....(((\$9,677,000))
	<u>\$9,619,000</u>
Charitable Organization Education Account—State	
Appropriation.....	\$900,000
Washington State Library Operations Account—State	
Appropriation.....	.....(((\$11,516,000))
	<u>\$11,426,000</u>
Local Government Archives Account—State	
Appropriation.....	.....(((\$11,027,000))
	<u>\$9,742,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$960,000
Election Account—State Appropriation	\$1,800,000
Election Account—Federal Appropriation	\$13,687,000
TOTAL APPROPRIATION.....	.....(((\$112,224,000))
	<u>\$110,626,000</u>

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

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

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

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

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

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

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

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

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

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage).

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration).

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,800,000 of the election account—state appropriation for fiscal year 2021 and \$8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$520,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(14) \$300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) \$674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

Sec. 1115. 2020 c 357 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2020)..... \$380,000
 General Fund—State Appropriation (FY 2021)....(~~(\$420,000)~~)
\$406,000

Pension Funding Stabilization Account—State
 Appropriation.....\$28,000
 TOTAL APPROPRIATION.....(~~(\$828,000)~~)
\$814,000

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

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

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(3) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

Sec. 1116. 2020 c 357 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020)..... \$332,000

General Fund—State Appropriation (FY 2021)....(~~(\$425,000)~~)
\$413,000

Pension Funding Stabilization Account—State
 Appropriation..... \$26,000
 TOTAL APPROPRIATION (~~(\$783,000)~~)
\$771,000

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1117. 2020 c 357 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State
 Appropriation.....(~~(\$20,045,000)~~)
\$19,704,000
 TOTAL APPROPRIATION (~~(\$20,045,000)~~)
\$19,704,000

Sec. 1118. 2020 c 357 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2020)..... \$238,000
 General Fund—State Appropriation (FY 2021)....(~~(\$270,000)~~)
\$266,000

Pension Funding Stabilization Account—State
 Appropriation..... \$30,000
 TOTAL APPROPRIATION (~~(\$538,000)~~)
\$534,000

Sec. 1119. 2020 c 357 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2020) ...\$15,564,000
 General Fund—State Appropriation (FY 2021)(~~(\$16,531,000)~~)
\$16,165,000

General Fund—Federal Appropriation.....\$17,801,000
 Public Service Revolving Account—State Appropriation(~~(\$4,228,000)~~)
\$4,214,000

New Motor Vehicle Arbitration Account—State
 Appropriation (~~(\$1,693,000)~~)
\$1,690,000

Medicaid Fraud Penalty Account—State Appropriation(~~(\$5,584,000)~~)
\$5,471,000

Child Rescue Fund—State Appropriation..... (~~(\$500,000)~~)
\$80,000

Legal Services Revolving Account—State Appropriation (~~(\$291,952,000)~~)
\$283,127,000

Local Government Archives Account—State
 Appropriation (~~(\$356,000)~~)
\$681,000
 (~~(Local Government Archives Account—Local.....\$330,000)~~)

Pension Funding Stabilization Account—State
 Appropriation..... \$1,602,000
 Tobacco Prevention and Control Account—State
 Appropriation..... \$273,000
 TOTAL APPROPRIATION (~~(\$356,414,000)~~)
\$346,668,000

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

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

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

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

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits).

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency).

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing).

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin).

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining).

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential

harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

(14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

(15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

(16) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws).

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$82,000 of the general fund—federal appropriation, \$32,000 of the public service revolving account—state appropriation, \$27,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) \$605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) \$1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) \$1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) \$394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

Sec. 1120. 2020 c 357 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2020)..... \$2,040,000

General Fund—State Appropriation (FY 2021) ((\$2,063,000))	
	<u>\$1,965,000</u>
Pension Funding Stabilization Account—State	
Appropriation	\$168,000
TOTAL APPROPRIATION	(\$4,271,000)
	<u>\$4,173,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

Sec. 1121. 2020 c 357 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2020) ...	\$96,462,000
General Fund—State Appropriation (FY 2021)	(\$146,437,000)
	<u>\$146,559,000</u>
General Fund—Federal Appropriation.....	(\$327,896,000)
	<u>\$327,810,000</u>
General Fund—Private/Local Appropriation ...	(\$9,112,000)
	<u>\$9,098,000</u>
Public Works Assistance Account—State Appropriation	(\$8,212,000)
	<u>\$8,177,000</u>
Lead Paint Account—State Appropriation	(\$251,000)
	<u>\$110,000</u>
Building Code Council Account—State Appropriation	\$16,000
Liquor Excise Tax Account—State Appropriation	(\$1,291,000)
	<u>\$1,289,000</u>
Home Security Fund Account—State Appropriation	(\$120,425,000)
	<u>\$85,411,000</u>
(Energy Freedom Account—State Appropriation	(\$5,000)
Affordable Housing for All Account—State	
Appropriation	(\$13,895,000)
	<u>\$12,198,000</u>
Financial Fraud and Identity Theft Crimes	
Investigation and Prosecution Account—State	
Appropriation	\$2,325,000
Low-Income Weatherization and Structural	
Rehabilitation Assistance Account—State	
Appropriation	(\$1,399,000)
	<u>\$699,000</u>
Statewide Tourism Marketing Account—State	
Appropriation	\$3,028,000
Community and Economic Development Fee Account—State	
Appropriation	(\$4,200,000)
	<u>\$4,104,000</u>
Growth Management Planning and Environmental Review	
Fund—State Appropriation	\$5,800,000
Pension Funding Stabilization Account—State	
Appropriation	\$1,616,000
Liquor Revolving Account—State Appropriation..	\$5,918,000
Washington Housing Trust Account—State Appropriation	(\$67,947,000)
	<u>\$20,145,000</u>
Prostitution Prevention and Intervention Account—	
State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—	
State Appropriation	(\$1,076,000)
	<u>\$1,071,000</u>

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Model Toxics Control Stormwater Account—State	
Appropriation.....	\$150,000
((Dedicated Marijuana Account—State	
Appropriation (FY 2021).....	(\$1,100,000))
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation.....	(\$7,454,000))
	<u>\$14,335,000</u>
Community Preservation and Development Authority	
Account—State Appropriation	\$1,000,000
TOTAL APPROPRIATION.....	(\$827,041,000))
	<u>\$747,347,000</u>

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

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and \$3,304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

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

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must

ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

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

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

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

(23)(a) \$2,091,000 of the general fund—state appropriation for fiscal year 2020, \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

- (i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;
- (ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and
- (iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) \$91,000 of the general fund—state appropriation for fiscal year 2020 and \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth

campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and \$51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

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(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to

provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency).

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

(37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

(38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

(40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

(41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

(42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

(44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

(46) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. The report must contain, at a minimum:

(i) An analysis of the arrests and bookings for individuals served in the pilot program;

(ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

(iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

(iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

(48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance

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through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

(49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

(50)(a) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by June 1, 2021.

(51) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$1,500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

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

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering).

(54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support).

(55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

(57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

(58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

(59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

(60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

(61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(a) The department of corrections to support offender betterment projects; and

(b) The department of social and health services to provide access and visitation services.

(63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

(64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

(66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(68) \$270,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to

provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

(69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building) and chapter 173, Laws of 2020 (urban housing supply). Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the ~~((b))~~ bills;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

(70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) ~~((7,454,000))~~ \$14,335,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) ~~((600,000))~~ \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) \$1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state

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appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) \$607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

~~((80))~~ (79) \$391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

~~((82))~~ (80) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

~~((83))~~ (81) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

~~((84))~~ (82) \$23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

~~((85) \$60,000,000)~~ (83) \$25,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

~~((86) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.~~

~~((88))~~ (84) \$421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((89))~~ (85)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

~~((90))~~ (86) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on

cross-system challenges impacting youth, including homelessness.

~~((91))~~ (87) \$420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((92))~~ (88) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

- (i) Serves all residents in long term care equally;
- (ii) Is reactive to changes in service costs; and
- (iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

~~((93))~~ (89) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

~~((94))~~ (90) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

~~((95))~~ (91) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential

centers to provide behavioral health support services for youth in crisis.

~~((96))~~ (92) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

~~((98))~~ (93) \$1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

~~((100))~~ (94) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((102))~~ (95) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

~~((103))~~ (96) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office

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of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

~~((104))~~ (97) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

~~((105))~~ (98) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

~~((106))~~ (99) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

~~((107))~~ (100) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

~~((108))~~ (101) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

~~((109))~~ (102) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

~~((110))~~ (103) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

~~((111))~~ (104) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((113))~~ \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((114))~~ (105) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

~~((115))~~ (106) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((116))~~ (107) \$1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

~~((117))~~ (108)(a) ~~(\$40,000,000)~~ \$2,349,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((118))~~(109)(a) ~~(\$10,000,000)~~ \$210,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized.

For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

- (A) The greatest number of units that will be preserved;
- (B) Whether the project has federally funded rental assistance tied to it;
- (C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and
- (D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((419))~~(110)(a) \$5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

- (i) The age of the property, with priority given to buildings that are more than fifteen years old;
- (ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;
- (iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;
- (iv) The potential for additional years added to the affordability period of the property; and
- (v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((420))~~ (111) \$500,000 of the general fund—state appropriation for fiscal year ~~((2020-2021))~~ 2021 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

- (i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;
- (ii) Developing business model prototypes for new child care settings; and
- (iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

- (A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;
- (B) Provide after-school and summer programs with youth development services; and
- (C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(112)(a) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a grant program to reimburse local governments for eligible costs of providing emergency noncongregate sheltering during the COVID-19 public health emergency.

(b) A city or county is eligible to apply for grant funding if it:

(i) Applies to the federal emergency management agency public assistance program for reimbursement of costs to provide emergency noncongregate sheltering; and

(ii) Incurs eligible costs.

(c) Eligible costs are costs to provide emergency noncongregate sheltering that:

(i) Were deemed eligible for reimbursement in the federal emergency management agency policy 104-009-18, version 3, titled FEMA emergency non-congregate sheltering during the COVID-19 public health emergency (interim) and dated January 29, 2021; and

(ii) Are incurred by the applicant beginning January 21, 2021, through September 30, 2021.

(d) The department must give priority to applicants who demonstrate use of funds received under P.L. 117-2 for the acquisition, development, and operation of noncongregate sheltering.

(e) The department must coordinate with the military department to confirm that grant recipients have applied to the federal emergency management agency public assistance program for costs identified in their grant application.

(f) For the purposes of this subsection, "noncongregate sheltering" means sheltering provided in locations where each individual or household has living space that offers some level of privacy, such as hotels, motels, or dormitories.

Sec. 1122. 2020 c 357 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2020)	\$874,000
General Fund—State Appropriation (FY 2021) ...	((914,000))
	<u>\$892,000</u>
Pension Funding Stabilization Account—State	
Appropriation	\$102,000
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION	((1,940,000))
	<u>\$1,918,000</u>

Sec. 1123. 2020 c 357 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2020) ...	\$29,306,000
General Fund—State Appropriation (FY 2021)	((13,799,000))
	<u>\$12,859,000</u>
General Fund—Federal Appropriation	((33,013,000))
	<u>\$32,828,000</u>
General Fund—Private/Local Appropriation ...	((5,526,000))
	<u>\$5,513,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation	((330,000))
	<u>\$317,000</u>
Personnel Service Account—State	
Appropriation	((35,360,000))

	<u>\$35,144,000</u>
Higher Education Personnel Services Account—State Appropriation.....	\$1,497,000
Statewide Information Technology System Development Maintenance and Operations Revolving Account—State Appropriation.....	\$32,921,000
Office of Financial Management Central Service Account—State Appropriation	((\$21,118,000))
	<u>\$20,543,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$2,446,000
Performance Audits of Government Account—State Appropriation.....	((\$678,000))
	<u>\$650,000</u>
TOTAL APPROPRIATION.....	((\$175,994,000))
	<u>\$174,024,000</u>

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

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of ~~((state need))~~ Washington college grant and college bound recipients;
- (ii) ~~((The number of students on the unserved waiting list of the state need grant;~~
- ~~((iii)))~~ Persistence and completion rates of ~~((state need))~~ Washington college grant recipients and college bound recipients ~~((as well as students on the state need grant unserved waiting list)),~~ disaggregated by institution of higher education;
- ~~((iv))~~ ~~State need~~ (iii) Washington college grant recipients ~~((and students on the state need grant unserved waiting list))~~ grade point averages; and
- ~~((v))~~ ~~State need~~ (iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) \$29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

- (i) \$7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.
- (ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.
- (iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) \$1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) \$442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) \$140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) \$19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

- (i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;
- (ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and
- (iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) \$12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited ~~((into))~~ into the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) \$12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional

cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks).

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for

providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month;

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

(12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

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(14) \$192,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$288,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

~~((16))~~ (15) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

~~((18))~~ (16) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

~~((20))~~ (17) \$350,000 of the general fund—state appropriation for fiscal year 2021, and \$350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

~~((24))~~ (18) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

~~((22))~~ (19) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

~~((23))~~ (20) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

- (i) No diploma;
- (ii) High school diploma or high school equivalency certificate;
- (iii) Some higher education but no degree;
- (iv) Associates degree;
- (v) Bachelor's degree;
- (vi) Graduate degree or higher; and
- (vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

- (i) Not employed;
- (ii) Part-time; and
- (iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

Sec. 1124. 2020 c 357 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State Appropriation.....	(\$47,550,000)
	<u>\$46,936,000</u>
TOTAL APPROPRIATION.....	(\$47,550,000)
	<u>\$46,936,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1125. 2020 c 357 s 131 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation.....	(\$29,858,000)
	<u>\$29,458,000</u>
TOTAL APPROPRIATION.....	(\$29,858,000)
	<u>\$29,458,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 1126. 2020 c 357 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2020).....	\$438,000
General Fund—State Appropriation (FY 2021)....	(\$465,000)
	<u>\$454,000</u>

Pension Funding Stabilization Account—State Appropriation.....	\$26,000
TOTAL APPROPRIATION.....	(\$929,000)
	<u>\$918,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

Sec. 1127. 2020 c 357 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020).....	\$321,000
General Fund—State Appropriation (FY 2021)....	(\$408,000)
	<u>\$394,000</u>

Pension Funding Stabilization Account—State Appropriation.....	\$26,000
TOTAL APPROPRIATION.....	(\$755,000)
	<u>\$741,000</u>

Sec. 1128. 2020 c 357 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account— State Appropriation.....	(\$61,964,000)
	<u>\$61,308,000</u>

TOTAL APPROPRIATION.....	(\$61,964,000)
	<u>\$61,308,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity).

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults).

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options).

(5) \$53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of (~~chapter 259~~ ~~chapter 295~~) chapter 295, Laws of 2019 (E2SHB 1139).

(9) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1129. 2020 c 357 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2020) ..	\$150,901,000
General Fund—State Appropriation (FY 2021)	(\$153,625,000)
	<u>\$148,105,000</u>

Timber Tax Distribution Account—State Appropriation.....	(\$7,368,000)
	<u>\$7,289,000</u>

Business License Account—State Appropriation.....	(\$20,666,000)
	<u>\$20,534,000</u>

Waste Reduction, Recycling, and Litter Control Account—State Appropriation.....	\$168,000
Model Toxics Control Operating Account—State Appropriation.....	(\$119,000)
	<u>\$118,000</u>

Financial Services Regulation Account—State Appropriation.....	\$5,000,000
Pension Funding Stabilization Account—State	

Appropriation.....	\$13,486,000
TOTAL APPROPRIATION.....	(\$351,333,000)
	<u>\$345,601,000</u>

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

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date).

(2)(a) \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, \$711,000 of the general fund—state appropriation for fiscal year 2020 and \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochairs from among its legislative membership. The chair is, or cochairs are, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochairs, and conduct other business of the work group;

(B) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

Sec. 1130. 2020 c 357 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2020)..... \$2,543,000

General Fund—State Appropriation (FY 2021) (~~(\$2,598,000)~~)

\$2,509,000

Pension Funding Stabilization Account—State

ONE HUNDRED FIFTH DAY, APRIL 25, 2021

2021 REGULAR SESSION

Appropriation.....	\$162,000
TOTAL APPROPRIATION.....	(\$5,303,000)
	<u>\$5,214,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

Sec. 1131. 2020 c 357 s 137 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2020).....	\$109,000
General Fund—State Appropriation (FY 2021).....	\$760,000
Minority and Women's Business Enterprises Account—	
State Appropriation.....	(\$5,352,000)
	<u>\$5,272,000</u>
TOTAL APPROPRIATION.....	(\$6,221,000)
	<u>\$6,141,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

Sec. 1132. 2020 c 357 s 139 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State	
Appropriation.....	(\$60,101,000)
	<u>\$56,504,000</u>
TOTAL APPROPRIATION.....	(\$60,101,000)
	<u>\$56,504,000</u>

Sec. 1133. 2020 c 357 s 140 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2020).....	\$355,000
General Fund—State Appropriation (FY 2021)....	(\$566,000)
	<u>\$378,000</u>
General Fund—Federal Appropriation	(\$3,035,000)
	<u>\$3,018,000</u>
General Fund—Private/Local Appropriation.....	\$75,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020)	\$11,649,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021)	(\$12,148,000)
	<u>\$10,846,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$80,000
Liquor Revolving Account—State Appropriation	
.....	(\$74,902,000)
	<u>\$71,919,000</u>
TOTAL APPROPRIATION.....	(\$102,810,000)
	<u>\$98,320,000</u>

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

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements).

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance).

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board

to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

- (i) The state liquor and cannabis board;
- (ii) The department of ecology;
- (iii) The department of health;
- (iv) The Washington state department of agriculture;
- (v) A state association of counties;
- (vi) A state association of cities; and
- (vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force 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.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by ~~((December 31, 2020))~~ June 30, 2021.

Sec. 1134. 2020 c 357 s 141 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2020).....	\$173,000
General Fund—State Appropriation (FY 2021).....	\$123,000
General Fund—Private/Local Appropriation...((\$16,642,000))	
	<u>\$16,594,000</u>
Public Service Revolving Account—State Appropriation	
.....((\$42,054,000))	
	<u>\$41,459,000</u>
Public Service Revolving Account—Federal	
Appropriation.....	\$230,000
Pipeline Safety Account—State Appropriation .((\$2,571,000))	
	<u>\$2,544,000</u>
Pipeline Safety Account—Federal Appropriation	
.....((\$4,163,000))	
	<u>\$4,134,000</u>
TOTAL APPROPRIATION.....((\$65,956,000))	
	<u>\$65,257,000</u>

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and

transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification).

(4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

(5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 1135. 2020 c 357 s 142 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020)....	\$10,101,000
General Fund—State Appropriation (FY 2021)	
.....((\$11,403,000))	
	<u>\$10,946,000</u>

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General Fund—Federal Appropriation	(\$119,228,000)
	<u>\$118,866,000</u>
Enhanced 911 Account—State Appropriation	(\$43,746,000)
	<u>\$43,688,000</u>
Disaster Response Account—State Appropriation	(\$49,998,000)
	<u>\$56,148,000</u>
Disaster Response Account—Federal Appropriation	(\$134,058,000)
	<u>\$138,300,000</u>
Military Department Rent and Lease Account—State Appropriation	\$1,066,000
Military Department Active State Service Account—State Appropriation	\$400,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation	(\$1,849,000)
	<u>\$1,814,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,244,000
TOTAL APPROPRIATION	(\$374,133,000)
	<u>\$383,613,000</u>

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

- (1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.
- (2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.
- (3) \$625,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$625,000 of the general fund state appropriation for fiscal year 2021 are))~~ is provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.
- (4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.
- (5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.
- (6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:
 - (a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESNet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.
 - (b) The difference between the actual state and local costs and current state and local 911 funding.
 - (c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or

merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity).

(8) \$659,000 of the general fund—state appropriation for fiscal year 2020 and \$2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation).

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

(14) \$11,092,000 of the disaster response account—federal appropriation is provided solely for agency costs for acquiring personal protective equipment shown in LEAP omnibus document 2021-FEMA PPE supplemental, dated April 24, 2021. The department must coordinate with the agencies who have costs listed in LEAP omnibus document 2021-FEMA PPE supplemental, dated April 24, 2021, to ensure application to the federal emergency management agency for reimbursement.

(15)(a) Within amounts appropriated in this act, the department must coordinate with the department of commerce in the administration of the grant program created in section 1121(112) of this act.

(b) If the federal emergency management agency provides reimbursement for any portion of the costs incurred by a city or county that were paid for using state grant funding provided under section 1121(112) of this act, the military department shall remit the reimbursed funds to the state general fund.

(c) The department must provide technical assistance for the public assistance program application process to applicants to the grant program created in section 1121(112) of this act.

Sec. 1136. 2020 c 357 s 143 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2020)	\$2,237,000
General Fund—State Appropriation (FY 2021)	(\$2,291,000)
	<u>\$2,238,000</u>
Personnel Service Account—State Appropriation	(\$4,343,000)

	<u>\$4,291,000</u>
Higher Education Personnel Services Account—State	
Appropriation.....	((\$1,412,000))
	<u>\$1,394,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$228,000
TOTAL APPROPRIATION.....	((\$10,511,000))
	<u>\$10,388,000</u>

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

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1137. 2020 c 357 s 144 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State	
Appropriation.....	((\$3,833,000))
	<u>\$3,786,000</u>
TOTAL APPROPRIATION.....	((\$3,833,000))
	<u>\$3,786,000</u>

Sec. 1138. 2020 c 357 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation..	((\$1,121,000))
	<u>\$1,118,000</u>
TOTAL APPROPRIATION.....	((\$1,121,000))
	<u>\$1,118,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

Sec. 1139. 2020 c 357 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2020).....	\$4,810,000
General Fund—State Appropriation (FY 2021)..	((\$6,324,000))
	<u>\$6,361,000</u>
General Fund—Private/Local Appropriation.....	\$102,000
Building Code Council Account—State Appropriation	
.....	((\$1,966,000))
	<u>\$1,945,000</u>
TOTAL APPROPRIATION.....	((\$13,202,000))
	<u>\$13,218,000</u>

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

(1) \$4,343,000 of the general fund—state appropriation for fiscal year 2020 and \$4,354,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

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(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) \$45,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$70,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by June 30, 2021.

(9)(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

(10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) \$447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

(14) \$77,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs incurred due to additional security on the capitol campus in January 2021.

(15) \$30,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract to study security enhancements on the west capitol campus and the governor's residence.

Sec. 1140. 2020 c 357 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2020)..... \$2,133,000

General Fund—State Appropriation (FY 2021)	(\$2,328,000)
	<u>\$2,286,000</u>
General Fund—Federal Appropriation	(\$2,300,000)
	<u>\$2,284,000</u>
General Fund—Private/Local Appropriation	\$14,000
Pension Funding Stabilization Account—State	
Appropriation	\$136,000
TOTAL APPROPRIATION	(\$6,911,000)
	<u>\$6,853,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

Sec. 1141. 2020 c 357 s 149 (unmodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2020)	\$188,000
General Fund—State Appropriation (FY 2021)	\$188,000
Consolidated Technology Services Revolving Account—	
State Appropriation	(\$29,522,000)
	<u>\$29,238,000</u>
TOTAL APPROPRIATION	(\$29,898,000)
	<u>\$29,614,000</u>

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

(1) \$11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of section 701 of this act or under oversight from the office of the chief information officer. The staff or vendors will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

- (A) Start date of the project;
- (B) End date of the project when the project will close out and implementation will occur;
- (C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;
- (D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;
- (E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;
- (F) Actual spend by fiscal year and in total for fiscal years that are closed; and
- (G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) \$13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

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(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) \$750,000 of the consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and

maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

Sec. 1142. 2020 c 357 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation	((\$5,534,000))
	<u>\$5,494,000</u>
TOTAL APPROPRIATION	((\$5,534,000))
	<u>\$5,494,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$4,172,000~~)) \$4,014,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions).

(2) \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

**PART XII
HUMAN SERVICES
SUPPLEMENTAL**

Sec. 1201. 2020 c 357 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this

act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the

coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the department may transfer ~~general fund—state, general fund—federal, or general fund—~~ local appropriations for fiscal year ~~((2020))~~ 2021 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2020))~~ 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer ~~state, federal, or local~~ appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year ~~((2020))~~ 2021.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

Sec. 1202. 2020 c 357 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES	
General Fund—State Appropriation (FY 2020) ..	\$423,815,000
General Fund—State Appropriation (FY 2021)	
.....	((440,131,000))
	<u>\$433,352,000</u>
General Fund—Federal Appropriation.....	((119,930,000))
	<u>\$124,212,000</u>
General Fund—Private/Local Appropriation ..	((26,965,000))
	<u>\$21,758,000</u>
Pension Funding Stabilization Account—State	
Appropriation	\$33,300,000
TOTAL APPROPRIATION	((1,044,141,000))
	<u>\$1,036,437,000</u>

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

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community

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partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$2,097,000 of the general fund—state appropriation for fiscal year 2020 and \$3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and*

Health Services, et al., United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly

spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) (~~(\$4,262,000)~~ \$2,658,000 of the general fund—state appropriation for fiscal year 2021 (~~and \$2,144,000 of the general fund—federal appropriation are~~)) is provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

~~((p))~~ (o) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but

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not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

((~~q~~)) (p) \$1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

((~~r~~)) (q) \$1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)..... \$5,812,000

General Fund—State Appropriation (FY 2021).(~~\$5,736,000~~)

\$5,828,000

General Fund—Federal Appropriation(~~\$315,000~~)

\$309,000

TOTAL APPROPRIATION.....(~~\$11,863,000~~)

\$11,949,000

Sec. 1203. 2020 c 357 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, (~~2020~~) 2021, unless prohibited by this act, the department may transfer appropriations for fiscal year (~~2020~~) 2021 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year (~~2020~~) 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020).. \$732,559,000

General Fund—State Appropriation (FY 2021) (~~\$810,256,000~~)

\$718,924,000

General Fund—Federal Appropriation..... (~~\$1,579,826,000~~)

\$1,628,068,000

General Fund—Private/Local Appropriation \$4,024,000

Pension Funding Stabilization Account—State

Appropriation \$6,364,000

Developmental Disability Community Trust Account—

State Appropriation \$1,000,000

TOTAL APPROPRIATION (~~\$3,134,029,000~~)

\$3,090,939,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, \$44,855,000 of the general fund—state appropriation for fiscal year 2021, and \$63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021. The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

(n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(p) \$63,000 of the general fund—state appropriation for fiscal year 2020, \$44,000 of the general fund—state appropriation for fiscal year 2021, and \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act.

(q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

(r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

(s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

(t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

(x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

(y) \$51,000 of the general fund—state appropriation for fiscal year 2020, \$108,000 of the general fund—state appropriation for fiscal year 2021, and \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are

provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$120,000 of the general fund—state appropriation for fiscal year 2021, and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) \$145,000 of the general fund—state appropriation for fiscal year 2020, \$146,000 of the general fund—state appropriation for fiscal year 2021, and \$214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) \$6,000 of the general fund—state appropriation for fiscal year 2021 and \$4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(ee) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) ..	\$119,274,000
General Fund—State Appropriation (FY 2021)	
.....	(\$120,754,000)
	<u>\$107,774,000</u>
General Fund—Federal Appropriation.....	(\$233,430,000)
	<u>\$237,108,000</u>
General Fund—Private/Local Appropriation	\$27,041,000
Pension Funding Stabilization Account—State	
Appropriation	\$11,396,000
TOTAL APPROPRIATION	(\$511,895,000)
	<u>\$502,593,000</u>

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and

supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)..... \$2,536,000

General Fund—State Appropriation (FY 2021).((~~\$2,640,000~~))

\$2,600,000
General Fund—Federal Appropriation..... ((~~\$3,203,000~~))
\$3,180,000

Pension Funding Stabilization Account—State
Appropriation \$270,000
TOTAL APPROPRIATION ((~~\$8,649,000~~))
\$8,586,000

(5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020)..... \$62,000
General Fund—State Appropriation (FY 2021)..... ((~~\$62,000~~))
\$65,000

General Fund—Federal Appropriation..... ((~~\$1,092,000~~))
\$1,095,000

Pension Funding Stabilization Account—State
Appropriation \$4,000
TOTAL APPROPRIATION ((~~\$1,220,000~~))
\$1,226,000

Sec. 1204. 2020 c 357 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)\$1,320,605,000

General Fund—State Appropriation (FY 2021) ((~~\$1,482,768,000~~))
\$1,319,552,000

General Fund—Federal Appropriation..... ((~~\$3,457,726,000~~))
\$3,546,964,000

General Fund—Private/Local Appropriation\$37,729,000

Traumatic Brain Injury Account—State Appropriation \$4,558,000

Skilled Nursing Facility Safety Net Trust Account—
State Appropriation\$133,360,000

Pension Funding Stabilization Account—State
Appropriation\$12,392,000

Long-Term Services and Supports Trust Account—State
Appropriation\$2,937,000

TOTAL APPROPRIATION ((~~\$6,452,075,000~~))
\$6,378,097,000

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$229.10 for fiscal year 2020 and may not exceed \$250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of

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\$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than \$79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, \$1,761,000 of the general fund—state appropriation for fiscal year 2021, and \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs).

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client

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financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, \$717,000 is provided solely for a contract with the state actuary.

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, \$317,000 of the general fund—state appropriation for fiscal year 2021, and \$794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

(30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicaid clients.

(31) \$375,000 of the general fund—state appropriation for fiscal year 2020, \$637,000 of the general fund—state appropriation for fiscal year 2021, and \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

(32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((35))~~ (34) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(36))~~ (35) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

~~((39))~~ (36) \$77,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((40))~~ (37) \$17,000 of the general fund—state appropriation for fiscal year 2021 and \$12,000 of the general fund—federal appropriation is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(38) The department of social and health services must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(39) \$21,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to begin phasing in personal care services for up to 20 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

Sec. 1205. 2020 c 357 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)..	\$354,021,000
General Fund—State Appropriation (FY 2021)	.....((\$364,531,000))
	<u>\$332,230,000</u>
General Fund—Federal Appropriation	(\$1,460,971,000)
	<u>\$1,457,732,000</u>
General Fund—Private/Local Appropriation.....	\$5,416,000
Domestic Violence Prevention Account—State	Appropriation.....
	\$2,404,000
Pension Funding Stabilization Account—State	Appropriation.....
	\$26,349,000
Administrative Contingency Account—State	Appropriation.....
	\$4,000,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	<u>Appropriation.....</u>
	<u>\$5,399,000</u>
TOTAL APPROPRIATION.....	(\$2,217,692,000)
	<u>\$2,187,551,000</u>

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

(1)(a) \$67,875,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$68,063,000)~~ \$49,298,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$835,701,000)~~ \$871,322,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and \$5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these

units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ~~(\$265,980,000)~~ \$308,614,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amounts in (a) of this subsection, \$43,000 of the general fund—state appropriation for fiscal year 2021 and \$2,553,000 of the general fund—federal appropriation are provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the temporary assistance for needy families program.

(c)(i) ~~(\$155,622,000)~~ \$138,872,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) ~~(\$2,430,000)~~ \$1,819,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

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(e) ~~Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.~~

(f)(i) ~~(\$137,723,000))~~ \$128,696,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amount in (f) of this subsection, \$284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(iv) Of the amount in (f) of this subsection, \$291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the

department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

~~(7)(a) \$3,682,000 of the general fund—state appropriation for fiscal year 2020((—\$1,344,000 of the general fund—state appropriation for fiscal year 2021,)) and ((\$10,333,000))~~ \$7,485,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and implementation of a disaster recovery plan.

~~(b) \$898,000 of the general fund—state appropriation for fiscal year 2021 and \$1,803,000 of the general fund—federal appropriation are provided solely for the termination of the ESAR project.~~

~~(c) The funding in this section is subject to the conditions, limitations, and review provided in section 701 of this act.~~

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) \$748,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$2,930,000))~~ \$2,155,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$576,000))~~ \$1,074,000 of the general fund—federal appropriation are

provided solely to implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) \$164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(15) \$1,121,000))~~ (14) \$354,000 of the general fund—state appropriation for fiscal year 2021 and ~~(\$1,107,000)~~ \$341,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(16))~~ (15) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

(16) \$5,399,000 of the coronavirus state fiscal recovery account—federal appropriation for fiscal year 2021 is provided solely for the department to temporarily increase food benefits to recipients of the state's food assistance program in order to maintain parity with benefits offered under the supplemental nutrition assistance program, for the months of April through July 2021.

(17) \$2,450,000 of the general fund—state appropriation for fiscal year 2021 and \$2,950,000 of the general fund—federal appropriation are provided solely for the ACES stabilization project, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(18) \$698,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the aged, blind, or disabled program.

(19) \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the temporary suspension of mid-certification reviews and extension of eligibility reviews between November 2020 and June 2021 for the food assistance program.

(20) \$342,000 of the general fund—state appropriation for fiscal year 2021 and \$342,000 of the general fund—federal appropriation are provided solely for the implementation of a federally mandated interstate matching system for the supplemental nutrition assistance program. The funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(21) \$377,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated emergency assistance program.

Sec. 1206. 2020 c 357 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)	\$16,663,000
General Fund—State Appropriation (FY 2021)	
.....	(\$17,632,000)
	<u>\$14,874,000</u>
General Fund—Federal Appropriation.....	\$109,595,000
Pension Funding Stabilization Account—State	
Appropriation	\$2,024,000
TOTAL APPROPRIATION	(\$145,914,000)
	<u>\$143,156,000</u>

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

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

Sec. 1207. 2020 c 357 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2020)	\$52,711,000
General Fund—State Appropriation (FY 2021)	
.....	(\$53,921,000)
	<u>\$52,060,000</u>
Pension Funding Stabilization Account—State	
Appropriation	\$4,580,000
TOTAL APPROPRIATION	(\$111,212,000)
	<u>\$109,351,000</u>

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$784,000)~~ \$322,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

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Sec. 1208. 2020 c 357 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)....	\$31,806,000
General Fund—State Appropriation (FY 2021)	
.....	(\$36,863,000)
	<u>\$35,528,000</u>
General Fund—Federal Appropriation	(\$48,142,000)
	<u>\$47,825,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$6,449,000
TOTAL APPROPRIATION.....	(\$123,260,000)
	<u>\$121,608,000</u>

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

Sec. 1209. 2020 c 357 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in

this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 among programs after approval by the director of the office of financial management. The authority must notify the fiscal committees of the legislature prior to receiving approval from the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year ~~((2020))~~ 2021. The authority may not transfer funds, including for expenses in response to the COVID-19 pandemic in fiscal year 2021, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit

and appropriation, both before and after any allotment modifications and transfers.

Sec. 1210. 2020 c 357 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	((\$2,378,633,000))
	<u>\$2,378,525,000</u>
General Fund—State Appropriation (FY 2021)	((\$2,440,100,000))
	<u>\$2,242,668,000</u>
General Fund—Federal Appropriation	((\$12,319,236,000))
	<u>\$13,205,129,000</u>
General Fund—Private/Local Appropriation.	((\$246,218,000))
	<u>\$271,639,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation.....	((\$715,909,000))
	<u>\$710,856,000</u>
Medicaid Fraud Penalty Account—State Appropriation	((\$10,208,000))
	<u>\$762,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$20,870,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	((\$20,953,000))
	<u>\$26,906,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$4,544,000
Medical Aid Account—State Appropriation.....	((\$538,000))
	<u>\$537,000</u>
TOTAL APPROPRIATION.....	((\$18,172,295,000))
	<u>\$18,877,522,000</u>

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

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health

services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ((~~\$153,357,000~~)) \$165,082,000 of the general fund—federal appropriation and no more than ((~~\$86,190,000~~)) \$112,949,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than ((~~\$79,829,000~~)) \$67,896,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than ((~~\$89,476,000~~)) \$105,283,000 of the general fund—federal appropriation and no more than ((~~\$36,548,000~~))

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\$43,004,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or

she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$4,261,000)~~) \$3,733,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$8,522,000)~~) \$9,050,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13)(a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs

for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$759,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$740,000)~~) \$698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed

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care organization and the authority, with final review and approval by the authority.

~~((28))~~ ~~(Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care—primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face to face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.~~

~~((29))~~(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

~~((30))~~ ~~(29)~~ Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((31))~~ ~~(30)~~ \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

~~((32))~~ ~~(31)~~ Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations

to the appropriate committees of the legislature by December 1, 2020.

~~((33))~~ ~~(32)~~ The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

- (a) Reimbursement for telemedicine;
- (b) Reimbursement for social work for clients with behavioral health needs;
- (c) An additional add-on for services in rural or underserved areas;
- (d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;
- (e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and
- (f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

~~((34))~~ ~~(33)~~ \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

~~((35))~~ ~~(34)~~ \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

~~((36))~~ ~~(35)~~ Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

- (a) Outlines several options for increasing the threshold;
- (b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and
- (c) Identifies any technical challenge or limitations of changes to the threshold.

~~((37))~~ ~~(36)~~ Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((38))~~ (37) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

~~((39))~~ (38) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

~~((40))~~ (39) \$439,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

~~((41))~~ (40) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability).

~~((42))~~ (41) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium.

~~((43))~~ (42) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database).

~~((44))~~ (43) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

~~((45))~~ (44) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

- (a) The progress of the procurement;
- (b) The estimated savings resulting from lower medication costs;
- (c) Funding needed for public health interventions to eliminate the hepatitis C virus;
- (d) The current status of treatment; and
- (e) A plan to implement the elimination effort.

~~((46))~~ (45) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered

qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage.

~~((47))~~ (46) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((48))~~ (47) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement).

~~((49))~~ (48) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

~~((50))~~ (49) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that

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provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((51))~~ (50) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

~~((52))~~ (51) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not

proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

~~((53))~~ (52) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((54))~~ (53) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

~~((55))~~ (54) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

~~((56))~~ (55) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

~~((57))~~ (56) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

- (i) Consumers, patients, and the general public;
- (ii) Patient advocates and community health advocates;
- (iii) Large and small businesses with experience with large and small group insurance and self-insured models;
- (iv) Labor, including experience with Taft-Hartley coverage;
- (v) Health care providers that are self-employed and health care providers that are otherwise employed;
- (vi) Health care facilities such as hospitals and clinics;
- (vii) Health insurance carriers;
- (viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and
- (ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

- (i) Options for increasing coverage and access for uninsured and underinsured populations;
- (ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;
- (iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with

one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

~~((58))~~ (57) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

~~((59))~~ (58) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

~~((61))~~ ~~\$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.~~

~~(62))~~ (59)(a) \$1,192,000 of the general fund—state appropriation for fiscal year 2020 and \$3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

- (i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;
- (ii) Identifies predictable spending targets;
- (iii) Clearly defines quality performance standards for participating FQHCs;
- (iv) Requires progressively increasing standards of quality performance for participating FQHCs;
- (v) Clearly defines financial performance expectations for participating FQHCs;
- (vi) Requires progressively increasing standards of financial performance for participating FQHCs; and
- (vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

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(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((63)) (60)~~ \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((64)) (61)~~ \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((65)) (62)~~ \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((66)) (63)~~ The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

~~((67)) (64)~~ \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

~~((69)) (65)~~ \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

~~((70)) (66)~~ \$66,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

~~((71) \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby,~~

~~child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~((72)) (67)~~ \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

~~((73)) (68)~~ \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

~~((75)) (69)~~ \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

~~((77)) (70)~~ No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((80)) (71)~~ \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

~~((82)) (72)(a)~~ Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The

reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than \$25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

~~((83))~~ (73) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

~~((85))~~ (74) \$2,362,000 of the general fund—state appropriation for fiscal year 2021 and \$4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

- (a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;
- (b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;
- (c) Not be a certified public expenditure hospital;
- (d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(75) \$25,000 of the general fund—state appropriation for fiscal year 2021 and \$25,000 of the general fund—federal appropriation are provided solely for the authority to develop an implementation plan to incorporate medical and psychiatric respite care as statewide medicaid benefits. The plan must include an analysis of the cost effectiveness of providing a medical and psychiatric respite care benefit for medicaid enrollees. In developing the plan, the authority shall consult with interested stakeholders, including medicaid managed care organizations, community health centers, organizations providing respite care, and hospitals. The amounts provided in this subsection may be used for staff support and one-time contracting. No later than January 15, 2022, the authority shall report its findings to the relevant committees of the legislature, the office of the governor, and the office of financial management.

(76) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.

(77) \$2,396,000 from the Indian health improvement reinvestment account is provided solely for Indian health

improvement advisory plan projects, programs, and activities authorized by RCW 43.71B.030.

Sec. 1211. 2020 c 357 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
PUBLIC EMPLOYEES' BENEFITS BOARD AND
EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—	
State Appropriation	(\$37,604,000)
	\$37,144,000
TOTAL APPROPRIATION	(\$37,604,000)
	\$37,144,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits including making any change in retiree eligibility criteria that re-establishes eligibility for enrollment in PEBB benefits, unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes, or unless the funding for the increase or change is specifically provided in this act. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

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(6) \$1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

Sec. 1212. 2020 c 357 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative Account—

State Appropriation.....	(\$27,766,000)
	<u>\$34,045,000</u>
TOTAL APPROPRIATION.....	(\$27,766,000)
	<u>\$34,045,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) \$2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1213. 2020 c 357 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2020).....	\$6,407,000
General Fund—State Appropriation (FY 2021).	(\$5,659,000)
	<u>\$5,368,000</u>
General Fund—Federal Appropriation	(\$50,055,000)
	<u>\$45,193,000</u>
Health Benefit Exchange Account—State Appropriation	(\$60,117,000)
	<u>\$65,172,000</u>
TOTAL APPROPRIATION.....	(\$122,238,000)
	<u>\$122,140,000</u>

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including

timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~(10))~~ (9) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

(10) \$34,000 of the general fund—state appropriation for fiscal year 2021, \$32,000 of the health benefit exchange account—state appropriation, and \$34,000 of the general fund—federal

appropriation are provided solely for pass-through funding in the amount of \$25,000 for each lead navigator organization in the four geographic regions with the highest density of compact of free association (COFA) citizens. These amounts are provided solely for lead organizations to recruit, hire, and train a representative of the citizens of the COFA nations community to:

(a) Provide outreach and enrollment assistance to COFA citizens leading up to the July 2021 transition of COFA citizens from qualified health and dental plan coverage to medicaid coverage; and

(b) Promote continuous access to needed health services beyond the scope of the current COFA program.

(1) \$87,000 of the general fund—federal appropriation (CRRSA) is provided solely for the costs to administer the child care premium assistance program for individuals who work in a licensed child care facility.

Sec. 1214. 2020 c 357 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020).....	\$579,402,000
General Fund—State Appropriation (FY 2021)	.....((\$652,344,000))
	<u>\$604,211,000</u>
General Fund—Federal Appropriation	((\$2,076,337,000))
	<u>\$2,244,685,000</u>
General Fund—Private/Local Appropriation.....	\$36,513,000
Criminal Justice Treatment Account—State	Appropriation.....
	\$17,486,000
Problem Gambling Account—State Appropriation	.....((\$1,961,000))
	<u>\$1,461,000</u>
Medicaid Fraud Penalty Account—State Appropriation	.....((\$51,000))
	<u>\$20,000</u>
Dedicated Marijuana Account—State Appropriation	(FY 2020)
	\$28,490,000
Dedicated Marijuana Account—State Appropriation	(FY 2021)
	((\$28,493,000))
	<u>\$28,490,000</u>
Pension Funding Stabilization Account—State	Appropriation.....
	\$1,714,000
TOTAL APPROPRIATION.....	((\$3,422,791,000))
	<u>\$3,542,472,000</u>

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior

criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, ((~~\$15,754,000~~)) \$15,861,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$7,657,000 of the general fund—state appropriation for fiscal year 2020, \$11,544,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) \$7,071,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for increased state costs for exceptional behavioral health personal care services. From ((~~the~~)) these amounts and the other general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$81,930,000 of the general fund—state appropriation for fiscal year 2020 and \$85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each

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behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The

authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the

legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than (~~(\$27,844,000)~~) \$15,358,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$10,015,000)~~) \$9,074,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$12,965,000)~~) \$12,024,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid

funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$36,095,000)~~) \$21,366,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$46,889,000)~~) \$35,451,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report.

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(~~(e)~~) (c) The authority in collaboration with the Washington state hospital association must convene a work group to further

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refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) ~~\$1,455,000 of the general fund—state appropriation for fiscal year 2020((, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are))~~ is provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) \$29,288,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$12,440,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health entities where the individual resides. If a behavioral health entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services).

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest).

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services

organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$3,396,000)~~ \$1,968,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$12,150,000)~~ \$8,100,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) ~~((The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by~~

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~~behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community-based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.~~

((43)) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health).

((44)) (43) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

((45)) (44) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

((46)) (45) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

((47)) (46) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

((48)) (47) \$225,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$225,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

((49)) (48) \$18,000 of the general fund—state appropriation for fiscal year 2020 ~~((, \$18,000 of the general fund—state appropriation for fiscal year 2021,))~~ and ~~(((\$36,000))~~ \$18,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures).

((50)) (49) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state

appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

~~((51))~~ (50) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

~~((52))~~ (51) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((53))~~ (52) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

~~((54))~~ (53) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

~~((55))~~ (54) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

~~((57))~~ (55) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by

December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

~~((58))~~ (56) \$281,000 of the general fund—state appropriation for fiscal year 2020, ~~((259,000))~~ \$654,000 of the general fund—state appropriation for fiscal year 2021, and ~~((1,285,000))~~ \$4,840,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

~~((59))~~ (57) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((60))~~ (58) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((61))~~ (59) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((62))~~ (60) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

~~((63))~~ (61) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local,

federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

~~((64))~~ (62) \$864,000 of the general fund—state appropriation for fiscal year 2021 and \$1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((65))~~ (63) \$200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((66))~~ (64) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

~~((67))~~ (65) \$1,260,000 of the general fund—state appropriation for fiscal year 2021 and \$840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

~~((68))~~ (66) \$2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

~~((70))~~ (67) \$15,000 of the general fund—state appropriation for fiscal year 2021 and \$15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

~~((71))~~ \$500,000 of the problem gambling account state appropriation is provided solely for the authority to contract for a

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~~problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.~~

~~((72)) (68) \$4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.~~

~~((73)) (69) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.~~

~~((74)) (70) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.~~

~~((75)) (71) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.~~

~~((76)) (72) \$1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.~~

~~(a) The effective date of the pilot sites is January 1, 2021.~~

~~(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.~~

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

~~((77)) (e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:~~

~~(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;~~

~~(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;~~

~~(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and~~

~~(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.~~

~~(73) \$1,743,000 of the general fund—state appropriation for fiscal year 2021 and \$5,419,000 of the general fund—federal appropriation are provided solely to implement a two percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective April 2021. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a two percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations.~~

~~(74) The authority must claim the enhanced federal medical assistance participation rate for home and community-based services offered under section 9817 of the American rescue plan act of 2021 (ARPA). Appropriations made that constitute supplementation of home and community-based services as defined in section 9817 of ARPA are listed in LEAP omnibus document HCBS-2021.~~

~~(75) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority, in coordination with the department of health, to purchase and distribute opioid overdose reversal medications.~~

Sec. 1215. 2020 c 357 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2020).....	\$2,630,000
General Fund—State Appropriation (FY 2021).((\$3,007,000))	(\$3,007,000)
	<u>\$2,978,000</u>
General Fund—Federal Appropriation	(\$2,614,000)
	<u>\$2,572,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$190,000
TOTAL APPROPRIATION.....	(\$8,441,000)
	<u>\$8,370,000</u>

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care).

(2) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 1216. 2020 c 357 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State	
Appropriation.....	\$10,000
Accident Account—State Appropriation	(\$24,437,000)
	<u>\$24,152,000</u>
Medical Aid Account—State Appropriation....	(\$24,438,000)
	<u>\$24,153,000</u>
TOTAL APPROPRIATION.....	(\$48,885,000)
	<u>\$48,315,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). (~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~)

Sec. 1217. 2020 c 357 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2020)....	\$27,447,000
General Fund—State Appropriation (FY 2021)	(\$31,639,000)
	<u>\$31,209,000</u>
General Fund—Private/Local Appropriation.....	(\$7,339,000)
	<u>\$7,328,000</u>
Death Investigations Account—State Appropriation.	\$682,000
Municipal Criminal Justice Assistance Account—State	
Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	(\$8,167,000)
	<u>\$7,089,000</u>
24/7 Sobriety Account—State Appropriation.....	\$20,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$460,000
TOTAL APPROPRIATION.....	(\$76,214,000)
	<u>\$74,695,000</u>

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$1,179,000 of the general fund—state appropriation for fiscal year 2020 and \$1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation

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for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail).

(10) \$397,000 of the general fund—state appropriation for fiscal year 2020 and \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase for the Washington association of sheriffs and police chiefs.

(11) ~~(\$2,000,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$20,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

(16) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) \$92,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to provide grants to law enforcement agencies to support body camera programs. Of these amounts:

(a) \$82,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Lynden police department for equipment purchase and video storage costs for the body camera program; and

(b) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Nooksack tribal police for equipment purchase and video storage costs for the body camera program.

(18) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided to the Washington association of sheriffs and police chiefs solely to provide a grant to a law enforcement agency in Island county to support equipment purchase and video storage costs for body camera programs.

(19) \$165,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to provide a grant to fund an emergency jail cost to replace a failed jail control module and system in Skamania county that assists with inmate movement within the jail.

Sec. 1218. 2020 c 357 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2020)	\$14,426,000
General Fund—State Appropriation (FY 2021)	(\$26,698,000)
	<u>\$27,014,000</u>
General Fund—Federal Appropriation.....	\$11,876,000
Asbestos Account—State Appropriation.....	(\$590,000)
	<u>\$587,000</u>
Electrical License Account—State Appropriation	(\$58,124,000)
	<u>\$58,038,000</u>
Farm Labor Contractor Account—State Appropriation	\$28,000
Worker and Community Right to Know Fund—State Appropriation	(\$1,039,000)
	<u>\$1,036,000</u>
Construction Registration Inspection Account—State Appropriation	(\$25,453,000)
	<u>\$25,187,000</u>
Public Works Administration Account—State Appropriation	(\$11,001,000)
	<u>\$10,921,000</u>
Manufactured Home Installation Training Account—State Appropriation	(\$412,000)
	<u>\$403,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,434,000
Accident Account—State Appropriation.....	(\$396,164,000)
	<u>\$361,942,000</u>
Accident Account—Federal Appropriation.....	\$16,439,000
Medical Aid Account—State Appropriation .	(\$399,802,000)
	<u>\$365,341,000</u>
Medical Aid Account—Federal Appropriation	\$3,650,000
Plumbing Certificate Account—State Appropriation	(\$3,401,000)
	<u>\$3,384,000</u>
Pressure Systems Safety Account—State Appropriation	(\$4,672,000)
	<u>\$4,620,000</u>
TOTAL APPROPRIATION	(\$975,209,000)
	<u>\$906,326,000</u>

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

(1) ~~(\$40,988,000)~~ \$9,002,000 of the accident account—state appropriation and ~~(\$40,986,000)~~ \$9,002,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system

replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety).

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) \$5,721,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$504,000)~~ \$854,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided ~~(solely)~~ for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

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(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting).

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities).

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records).

(19) \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(21) \$1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) \$320,000 of the accident account—state appropriation and \$75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) \$1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(24) \$150,000 of the accident account—state appropriation and \$26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(25) ~~(\$625,000)~~ \$276,000 of the accident account—state appropriation and ~~(\$625,000)~~ \$543,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(26) \$255,000 of the accident account—state appropriation and \$45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) \$280,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(28) \$918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). ~~((If the bill is not enacted by June 30, 2020, the amount~~

~~provided in this subsection shall lapse.))~~ The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

- (a) The number of claims received by month;
- (b) The number of claims rejected by month;
- (c) The number and amounts of claims paid by month; and
- (d) The average processing time for claims.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

- (i) Equipment upgrades or new equipment purchases for training purposes;
- (ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;
- (iii) Curriculum development and instructor training for industry experts;
- (iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and
- (v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in ~~((House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or))~~ Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). ~~((If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1219. 2020 c 357 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation

authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020).....	\$3,369,000
General Fund—State Appropriation (FY 2021).((\$4,173,000))	<u>\$4,017,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation.....	\$10,000
Pension Funding Stabilization Account—State Appropriation.....	\$185,000
TOTAL APPROPRIATION.....((\$7,737,000))	<u>\$7,581,000</u>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2020).....	\$6,602,000
General Fund—State Appropriation (FY 2021).((\$7,029,000))	<u>\$6,912,000</u>
General Fund—Federal Appropriation	((\$5,253,000))
	<u>\$5,224,000</u>
General Fund—Private/Local Appropriation.....((\$5,324,000))	<u>\$5,285,000</u>
Veteran Estate Management Account—Private/Local Appropriation.....((\$708,000))	<u>\$698,000</u>
Pension Funding Stabilization Account—State Appropriation.....((\$444,000))	<u>\$435,000</u>
Veterans Stewardship Account—State Appropriation	\$300,000
Veterans Innovation Program Account—State Appropriation.....	\$100,000
TOTAL APPROPRIATION.....((\$25,760,000))	<u>\$25,556,000</u>

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

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers).

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) ...	\$13,155,000
General Fund—State Appropriation (FY 2021)	((\$14,453,000))
	<u>\$14,172,000</u>
General Fund—Federal Appropriation.....	((\$101,679,000))
	<u>\$113,956,000</u>
General Fund—Private/Local Appropriation ..	((\$20,744,000))
	<u>\$20,458,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,464,000
TOTAL APPROPRIATION	((\$151,495,000))
	<u>\$163,205,000</u>

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

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020)	\$100,000
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General Fund—State Appropriation (FY 2021).....	\$100,000
General Fund—Federal Appropriation	\$688,000
TOTAL APPROPRIATION.....	\$888,000

Sec. 1220. 2020 c 357 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020)....	\$79,582,000
General Fund—State Appropriation (FY 2021)	
.....	(\$85,728,000)
	<u>\$82,886,000</u>
General Fund—Federal Appropriation	(\$579,457,000)
	<u>\$579,244,000</u>
General Fund—Private/Local Appropriation. (	(\$192,631,000)
	<u>\$213,695,000</u>
Hospital Data Collection Account—State Appropriation	
.....	\$362,000
Health Professions Account—State Appropriation	
.....	(\$147,610,000)
	<u>\$148,885,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$633,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	(\$10,091,000)
	<u>\$10,089,000</u>
Safe Drinking Water Account—State Appropriation	
.....	(\$6,057,000)
	<u>\$6,045,000</u>
Drinking Water Assistance Account—Federal	
Appropriation.....	(\$17,000,000)
	<u>\$16,980,000</u>
Waterworks Operator Certification Account—State	
Appropriation.....	(\$1,990,000)
	<u>\$1,988,000</u>
Drinking Water Assistance Administrative Account—	
State Appropriation.....	\$1,628,000
Site Closure Account—State Appropriation.....	(\$183,000)
	<u>\$181,000</u>
Biotoxin Account—State Appropriation.....	(\$1,694,000)
	<u>\$1,691,000</u>
Model Toxics Control Operating Account—State	
Appropriation.....	\$4,468,000
(Medicaid Fraud Penalty Account State Appropriation	
.....	(\$1,374,000)
Medical Test Site Licensure Account—State	
Appropriation.....	(\$3,233,000)
	<u>\$3,316,000</u>
Secure Drug Take-Back Program Account—State	
Appropriation.....	\$1,008,000
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation.....	\$4,237,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020)	\$10,786,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021)	(\$10,616,000)
	<u>\$10,615,000</u>
Public Health Supplemental Account—Private/Local	
Appropriation.....	(\$5,237,000)
	<u>\$5,234,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$3,816,000
Accident Account—State Appropriation	(\$362,000)
	<u>\$361,000</u>
Medical Aid Account—State Appropriation.....	\$54,000
TOTAL APPROPRIATION.....	(\$1,169,837,000)
	<u>\$1,187,784,000</u>

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and

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may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews).

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder).

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates).

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be

provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals).

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine).

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to

firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides

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support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables).

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases).

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities).

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists).

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals).

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend

strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((57))~~ (55) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

~~((60))~~ (56) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

~~((62))~~ (57) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse);

and

~~((Senate Bill No. 6038 (acupuncture and eastern med.); and~~
~~(e))~~ Substitute Senate Bill No. 6663 (eating disorders & diabetes).

~~((64))~~ (58) \$19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((65))~~ (59) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((66))~~ (60) \$83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

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~~((67))~~ (61) \$20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((69))~~ (62) \$1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

~~((70))~~ (63) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

~~((71))~~ (64) \$6,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

~~((72))~~ (65) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

~~((73))~~ (66) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

(67) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one-time grants to family planning clinics that are at risk of imminent closure, did not receive a paycheck protection program loan, and are ineligible for funding through the coronavirus aid, relief, and economic security (CARES) act or the coronavirus response and relief supplemental appropriations act of 2021 (CRRSA).

Sec. 1221. 2020 c 357 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, after approval

by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. To the extent that transfers under this section are insufficient to fund actual expenditures made as a response to the COVID-19 pandemic, the department may transfer state appropriations that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2020).....	\$68,583,000
General Fund—State Appropriation (FY 2021)	
.....	((74,332,000))
	<u>\$74,935,000</u>
General Fund—Federal Appropriation.....	\$400,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$7,616,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$197,000</u>
TOTAL APPROPRIATION	((150,931,000))
	<u>\$151,731,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from

a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020) ..	\$564,329,000
General Fund—State Appropriation (FY 2021)	(\$599,334,000)
	<u>\$605,187,000</u>
General Fund—Federal Appropriation	\$818,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	(\$4,679,000)
	<u>\$2,339,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$62,920,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$31,700,000</u>
TOTAL APPROPRIATION.....	(\$1,232,080,000)
	<u>\$1,267,293,000</u>

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. ~~((The))~~ Except as provided in (j) of this subsection, the department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject

to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) \$663,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~((i))~~ (i) \$97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(j) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to pay for local jail beds to house individuals for the eighth and subsequent days following sentencing due to delays in transport to state institutions related to COVID-19 response. For this purpose, the department shall not pay a rate greater than \$93.71 per day.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020) ..	\$227,667,000
General Fund—State Appropriation (FY 2021)	(\$242,885,000)
	<u>\$205,959,000</u>
General Fund—Federal Appropriation.....	\$3,632,000
Pension Funding Stabilization Account—State	

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Appropriation.....	\$12,800,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$5,879,000</u>
TOTAL APPROPRIATION.....	<u>(\$486,984,000)</u>
	<u>\$455,937,000</u>

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

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

(d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020).....	\$6,471,000
General Fund—State Appropriation (FY 2021).(\$6,580,000)	
	<u>\$7,298,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$510,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$911,000</u>
TOTAL APPROPRIATION.....	<u>(\$13,561,000)</u>
	<u>\$15,190,000</u>

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020)....	\$47,835,000
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General Fund—State Appropriation (FY 2021)	(\$49,181,000)
	<u>\$49,777,000</u>
TOTAL APPROPRIATION	<u>(\$97,016,000)</u>
	<u>\$97,612,000</u>

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020)....	\$59,452,000
General Fund—State Appropriation (FY 2021)	(\$62,460,000)
	<u>\$64,211,000</u>

Pension Funding Stabilization Account—State	
Appropriation	\$4,430,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$214,000</u>
TOTAL APPROPRIATION	<u>(\$126,342,000)</u>
	<u>\$128,307,000</u>

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education).

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

- (A) Adult basic education;
- (B) Completion of the free application for federal student aid or the Washington application for state financial aid; and
- (C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

- (A) A description of how the secure internet connections were implemented, including any barriers or challenges;
- (B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and
- (C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(e) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for temporary court facilities, for staffing, and to provide release assistance, including limited housing and food assistance, and other costs associated with individuals resentenced or ordered released from confinement as a result of the State v. Blake decision.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)..	\$164,516,000
General Fund—State Appropriation (FY 2021)	(\$174,549,000)
	<u>\$175,395,000</u>
General Fund—Federal Appropriation	\$1,400,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$3,292,000</u>
TOTAL APPROPRIATION.....	(\$340,465,000)
	<u>\$344,603,000</u>

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

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

Sec. 1222. 2020 c 357 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2020).....	\$3,611,000
General Fund—State Appropriation (FY 2021).	(\$3,971,000)
	<u>\$3,771,000</u>
General Fund—Federal Appropriation	(\$25,492,000)
	<u>\$25,209,000</u>
General Fund—Private/Local Appropriation.....	\$60,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$172,000
TOTAL APPROPRIATION.....	(\$33,306,000)
	<u>\$32,823,000</u>

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

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation

for fiscal year 2021 are provided solely for the independent living program.

Sec. 1223. 2020 c 357 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2020)	\$35,000
General Fund—State Appropriation (FY 2021)	\$910,000
General Fund—Federal Appropriation.....	(\$252,209,000)
	<u>\$221,152,000</u>
General Fund—Private/Local Appropriation ..	(\$36,421,000)
	<u>\$36,408,000</u>
Unemployment Compensation Administration Account—	
Federal Appropriation	(\$278,678,000)
	<u>\$417,640,000</u>
Administrative Contingency Account—State	
Appropriation	(\$26,256,000)
	<u>\$26,250,000</u>
Employment Service Administrative Account—State	
Appropriation	(\$66,060,000)
	<u>\$65,982,000</u>
Family and Medical Leave Insurance Account—State	
Appropriation	(\$129,563,000)
	<u>\$129,489,000</u>
.....	
Long-Term Services and Supports Trust Account—State	
Appropriation	\$14,103,000
TOTAL APPROPRIATION	(\$804,235,000)
	<u>\$911,969,000</u>

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv).

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). Of the amount provided in this subsection, \$7,426,000 of the employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(7) \$875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) \$50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit

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documentation of the updated need to the office of financial management by September 1, 2020.

(9) \$491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, \$208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse-))~~

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) \$11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(12)(a) \$35,000 of the employment services administrative account—state appropriation is provided solely for the department to begin conducting a study, jointly with the department of social and health services, on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.

(b) In preparation for the study, the department shall analyze existing programs to assess the legality of expansion to serve undocumented individuals and families, identify programmatic changes that would mitigate barriers to access and reduce fear of participation, and identify the operational and caseload costs

associated with replication or expansion. If existing program expansion is not feasible or in compliance with federal law, the study shall assess the creation of similar programs and identify the associated operational and caseload costs.

(c) The departments shall begin to develop recommendations to expand existing programs or create similar programs to serve undocumented individuals.

(13) \$1,983,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist in reducing the backlog of claimant issues and other work that the department has experienced due to the high volume and extended length of unemployment insurance claims related to the COVID-19 public health emergency.

(14) \$633,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with one or more experienced fact-finding services, to assist with adjudication and other efforts related to the high volume and extended length of unemployment insurance claims related to the COVID-19 public health emergency.

(15) \$2,110,000 of the general fund—federal appropriation (CRF) is provided solely for the department to migrate and upgrade the customer call center phone system to a cloud-based system, in order to promote equitable access and ensure the timely payment of unemployment insurance benefits. Prior to executing any contract, the department shall consult with the office of the chief information officer. The department, in collaboration with the office of the chief information officer, must develop a project plan, timeline with quantifiable deliverables, and budget. The budget must include base funding in the 2019-2021 fiscal biennium for the existing customer call center phone system, and project ongoing costs by fiscal year and by fund for the upgraded phone system. The department must report this to the office of financial management and the relevant committees of the legislature by June 30, 2021.

(16) \$240,000 of the general fund—federal appropriation (CRF) is provided solely for the translation of letters and documents, and other enhancements to improve unemployment insurance customer access and ensure the timely payment of unemployment insurance benefits.

(17) \$303,000 of the unemployment compensation account—federal appropriation is provided solely for costs associated with the implementation of chapter 2, Laws of 2021 (concerning unemployment insurance).

(18) \$6,826,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to process the unemployment insurance claimant backlog and to make program changes that enhance user experience in order to reduce claimant errors. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (18).

Sec. 1224. 2020 c 357 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 among programs after approval by the director of the office of financial management. The department must notify the fiscal committees of the legislature prior to receiving approval from the

director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2020))~~ 2021 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)..	\$401,235,000
General Fund—State Appropriation (FY 2021)	.....((\$411,209,000))
	<u>\$361,399,000</u>
General Fund—Federal Appropriation	((\$458,790,000))
	<u>\$475,978,000</u>
General Fund—Private/Local Appropriation.....	((\$2,824,000))
	<u>\$2,822,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	((\$24,916,000))
	<u>\$24,769,000</u>
TOTAL APPROPRIATION.....	((\$1,298,974,000))
	<u>\$1,266,203,000</u>

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

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$662,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub

home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) \$2,799,000 of the general fund—state appropriation for fiscal year 2020, \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general

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fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund—private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,230,000)~~ \$1,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation

for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) \$5,040,000 of the general fund—state appropriation for fiscal year 2020 \$6,051,000 of the general fund—state appropriation for fiscal year 2021, and \$846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

~~((+))~~ (u) \$1,533,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

~~((w))~~ (v) \$413,000 of the general fund—state appropriation for fiscal year 2020, \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

~~((x))~~ (w) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained

visit navigators to provide a structured and positive visitation experience for children and their parents.

~~((fz))~~ (x) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

~~((zy))~~ (y) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system).

~~((aa))~~ (z) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

~~((bb))~~ (aa) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

~~((cc))~~ (bb) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

~~((dd))~~ (cc) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((ee))~~ (dd) \$937,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((ff))~~ (ee) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of \$110 per month per child for all age groups effective July 1, 2020.

~~((gg))~~ (ff) \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral

rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

~~((hh))~~ (gg) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

~~((mm))~~ \$1,080,000 of the general fund—state appropriation for fiscal year 2021 and \$720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff to child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one time basis for fiscal year 2021 only.

~~((nn))~~ (hh) \$139,000 of the general fund—state appropriation for fiscal year 2021 and \$26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(ii) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

(3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) ..	\$100,445,000
General Fund—State Appropriation (FY 2021)	.....
	(\$111,895,000)
	<u>\$109,686,000</u>
General Fund—Federal Appropriation.....	(\$3,464,000)
	<u>\$3,411,000</u>
General Fund—Private/Local Appropriation	\$1,790,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation	(\$196,000)
	<u>\$98,000</u>
Pension Funding Stabilization Account—State	
Appropriation	\$8,362,000
TOTAL APPROPRIATION	(\$226,152,000)
	<u>\$223,792,000</u>

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

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants

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to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each

entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and \$7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement).

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(r) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)..	\$206,082,000
General Fund—State Appropriation (FY 2021)	
.....	(\$347,513,000)
	<u>\$281,417,000</u>
General Fund—Federal Appropriation	(\$412,831,000)

	<u>\$415,289,000</u>
General Fund—Private/Local Appropriation	(\$1,115,000)
	<u>\$1,110,000</u>
Education Legacy Trust Account—State Appropriation	
.....	(\$28,156,000)
	<u>\$28,150,000</u>
Home Visiting Services Account—State Appropriation	
.....	(\$14,926,000)
	<u>\$14,803,000</u>
Home Visiting Services Account—Federal Appropriation	
.....	\$28,523,000
Washington Opportunity Pathways Account—State	
Appropriation	\$80,000,000
Pension Funding Stabilization Account—State	
Appropriation	\$3,900,000
.....	
TOTAL APPROPRIATION	(\$1,123,046,000)
	<u>\$1,059,274,000</u>

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

(a)(i) \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$97,570,000)~~ \$89,767,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$24,070,000)~~ \$23,970,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) \$51,815,000 of the general fund—state appropriation in fiscal year 2020, ~~(\$80,265,000)~~ \$30,829,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(i) ~~(\$78,101,000 of the general fund—state appropriation shall)~~ The department will coordinate with the department of social and health services to determine the amount of state funding for state fiscal year 2021 to be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by

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fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education).

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(v) \$1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(vi) \$7,000 of the general fund—state appropriation for fiscal year 2020 and \$645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(vii) \$133,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

~~((vi))~~ ~~((ix))~~ (viii) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

~~((x))~~ (ix) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

~~((x))~~ (x) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$1,560,000~~), \$310,000 of the general fund—state appropriation for fiscal year 2021, and (~~\$13,424,000~~) \$8,046,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) \$4,653,000 of the general fund—state appropriation for fiscal year 2020, \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select

providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program).

~~((i))~~ (j) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

(m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

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(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

(p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

(t) \$250,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$250,000 of the general fund state appropriation for fiscal year 2021 are))~~ is provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

(u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

(v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

(w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal

amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

~~((dd))~~ (cc) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((ee))~~ (dd) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((ff))~~ (cc) \$91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)..	\$118,341,000
General Fund—State Appropriation (FY 2021)	
.....	<u>(\$119,408,000)</u>
	<u>\$124,165,000</u>
General Fund—Federal Appropriation	<u>(\$162,520,000)</u>
	<u>\$159,339,000</u>
General Fund—Private/Local Appropriation.....	\$195,000
Education Legacy Trust Account—State Appropriation	
.....	\$180,000
Home Visiting Services Account—State Appropriation	
.....	\$472,000
Home Visiting Services Account—Federal Appropriation	
.....	\$354,000
Pension Funding Stabilization Account—State	
Appropriation.....	<u>(\$2,990,000)</u>
	<u>\$3,137,000</u>
TOTAL APPROPRIATION.....	<u>(\$404,460,000)</u>
	<u>\$406,183,000</u>

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

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(e) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections (2), (3), and (4) of this section to this subsection (5).

(h) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

**PART XIII
NATURAL RESOURCES**

SUPPLEMENTAL

Sec. 1301. 2020 c 357 s 301 (unclassified) is amended to read as follows:

Table with 2 columns: Description and Amount. Includes 'FOR THE COLUMBIA RIVER GORGE COMMISSION' and 'TOTAL APPROPRIATION'.

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

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

Sec. 1302. 2020 c 357 s 302 (unclassified) is amended to read as follows:

Table with 2 columns: Description and Amount. Includes 'FOR THE DEPARTMENT OF ECOLOGY' and various account types like 'State Emergency Water Projects Revolving Account'.

Table with 2 columns: Description and Amount. Includes 'Worker and Community Right to Know Fund—State' and 'TOTAL APPROPRIATION'.

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

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$1,742,000)~~ \$1,432,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$569,000)~~, \$67,000 of the general fund—state appropriation for fiscal year 2021, and \$502,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(9) \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution).

(10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging).

(11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling).

(12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety).

(14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-

year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot).

(15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(16) \$290,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$290,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

(17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

(18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$319,000)~~ \$119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

(19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$435,000)~~ \$260,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

(20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

(21) \$500,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail).

(23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste).

~~((25))~~ (24) \$10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on

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the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

(26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing).

(28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship).

(29) \$535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

((34)) (30) \$75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

((35)) (31) \$283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter ((---)) 138, Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

((36)) (32) \$149,000 of the ~~((general fund state appropriation for fiscal year 2021))~~ model toxics control operating account—state appropriation is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

(37)) (33)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

- (i) Federally recognized Indian tribes;
- (ii) Local governments including cities, counties, and special purpose districts;
- (iii) Environmental advocacy organizations;
- (iv) The farming industry in Washington;
- (v) Business interests; and

(vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

((38)) (34) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

((39)) (35) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

((40)) (36) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

((41)) (37) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

Sec. 1303. 2020 c 357 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2020).....	\$16,270,000
General Fund—State Appropriation (FY 2021)	
.....	(\$20,906,000)
	\$21,209,000
General Fund—Federal Appropriation.....	(\$7,080,000)
	\$7,077,000
Winter Recreation Program Account—State	
Appropriation	(\$3,310,000)
	\$3,309,000
ORV and Nonhighway Vehicle Account—State	
Appropriation	(\$403,000)
	\$358,000
Snowmobile Account—State Appropriation.....	(\$5,657,000)
	\$5,655,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$367,000
Parks Renewal and Stewardship Account—State	
Appropriation	(\$126,881,000)
	\$126,835,000

Parks Renewal and Stewardship Account—Private/Local Appropriation.....	\$420,000
Pension Funding Stabilization Account—State Appropriation.....	\$1,496,000
TOTAL APPROPRIATION.....	<u>(\$182,790,000)</u>
	<u>\$182,996,000</u>

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

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines).

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state

parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

~~((15) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1304. 2020 c 357 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2020).....	\$1,168,000
General Fund—State Appropriation (FY 2021) ((\$2,003,000))	<u>\$1,505,000</u>
General Fund—Federal Appropriation.....	(\$3,778,000)
	<u>\$3,746,000</u>
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	(\$333,000)
	<u>\$330,000</u>
Firearms Range Account—State Appropriation.....	\$37,000
Recreation Resources Account—State Appropriation	(\$4,071,000)
	<u>\$3,966,000</u>
NOVA Program Account—State Appropriation((\$1,107,000))	<u>\$1,093,000</u>
Pension Funding Stabilization Account—State Appropriation	\$80,000
TOTAL APPROPRIATION	(\$12,601,000)
	<u>\$11,949,000</u>

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

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ~~(\$4,071,000)~~ \$3,966,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) ~~(\$1,107,000)~~ \$1,093,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the

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nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

~~((8))~~ (7) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

~~((9))~~ \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)

Sec. 1305. 2020 c 357 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2020).....	\$2,758,000
General Fund—State Appropriation (FY 2021).((\$2,641,000))	<u>\$2,465,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$254,000
TOTAL APPROPRIATION.....((\$5,653,000))	<u>\$5,477,000</u>

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

(1) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 452, Laws of 2019 (growth management board/indexing).

(2) \$4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

Sec. 1306. 2020 c 357 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2020).....	\$7,845,000
General Fund—State Appropriation (FY 2021).((\$8,540,000))	<u>\$7,187,000</u>
General Fund—Federal Appropriation	\$2,482,000
Public Works Assistance Account—State Appropriation	\$8,456,000
Model Toxics Control Operating Account—State	
Appropriation.....((\$1,226,000))	<u>\$1,055,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$254,000
TOTAL APPROPRIATION.....((\$28,803,000))	<u>\$27,279,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and

conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

~~((6))~~ (5) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$55,000 of the ~~(general fund—state appropriation for fiscal year 2021)~~ model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((8))~~ (7) \$99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

~~(9) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

Sec. 1307. 2020 c 357 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2020).....	\$76,116,000
General Fund—State Appropriation (FY 2021)	((87,539,000))
	<u>\$85,234,000</u>
General Fund—Federal Appropriation	((140,234,000))
	<u>\$139,304,000</u>
General Fund—Private/Local Appropriation...	((69,619,000))
	<u>\$69,289,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	((701,000))
	<u>\$626,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	((11,873,000))
	<u>\$11,871,000</u>
Recreational Fisheries Enhancement Account—State	
Appropriation.....	((3,333,000))
	<u>\$3,323,000</u>
Warm Water Game Fish Account—State Appropriation	
.....	((2,825,000))
	<u>\$2,810,000</u>
Eastern Washington Pheasant Enhancement Account—	
State Appropriation.....	\$675,000
State Wildlife Account—State Appropriation	((115,447,000))
	<u>\$115,153,000</u>
Special Wildlife Account—State Appropriation.....	\$2,904,000
Special Wildlife Account—Federal Appropriation....	\$517,000
Special Wildlife Account—Private/Local Appropriation	((3,653,000))
.....	<u>\$3,647,000</u>
Wildlife Rehabilitation Account—State Appropriation	
.....	\$361,000
Ballast Water and Biofouling Management Account—	
State Appropriation.....	\$10,000
Model Toxics Control Operating Account—State	
Appropriation.....	((2,947,000))

	<u>\$2,924,000</u>
Regional Fisheries Enhancement Salmonid Recovery	
Account—Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	((1,199,000))
.....	<u>\$1,183,000</u>
Aquatic Invasive Species Management Account—State	
Appropriation.....	((1,906,000))
	<u>\$1,237,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$5,186,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION	((513,141,000))
	<u>\$527,895,000</u>

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

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and ~~((467,000))~~ \$767,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state

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appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels).

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000

for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year 2021 is for Puget Sound energy for water supply system improvements at the Baker river fish hatchery.

(15) \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery).

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance).

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

~~((23))~~ (22) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

~~((24))~~ (23) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

~~((29) \$252,000)~~ (24) \$516,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(30))~~ (25) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

~~((31))~~ (26) \$462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

~~((32))~~ (27) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(33))~~ (28) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

~~((34))~~ (29) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

~~((35))~~ (30) \$90,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$166,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

Sec. 1308. 2020 c 357 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2020) ...	\$98,897,000
General Fund—State Appropriation (FY 2021)	
.....	(\$67,682,000)
	\$108,234,000
General Fund—Federal Appropriation.....	(\$34,980,000)
	\$49,475,000
General Fund—Private/Local Appropriation	(\$2,534,000)
	\$3,428,000
Forest Development Account—State Appropriation	
.....	(\$54,238,000)
	\$53,859,000
ORV and Nonhighway Vehicle Account—State	
Appropriation	(\$8,174,000)
	\$8,104,000

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Surveys and Maps Account—State	Appropriation	
		(\$2,598,000)
		<u>\$2,582,000</u>
Aquatic Lands Enhancement Account—State	Appropriation	
		(\$14,249,000)
		<u>\$14,075,000</u>
Resource Management Cost Account—State	Appropriation	
		(\$128,545,000)
		<u>\$127,552,000</u>
Surface Mining Reclamation Account—State	Appropriation	
		(\$4,113,000)
		<u>\$4,086,000</u>
Disaster Response Account—State	Appropriation	\$23,068,000
Park Land Trust Revolving Account—State	Appropriation	
		(\$750,000)
		<u>\$671,000</u>
Forest and Fish Support Account—State	Appropriation	
		(\$16,356,000)
		<u>\$16,347,000</u>
Aquatic Land Dredged Material Disposal Site Account—		
State Appropriation		\$402,000
Natural Resources Conservation Areas Stewardship		
Account—State Appropriation		\$39,000
Forest Fire Protection Assessment Nonappropriated		
Account—State Appropriation		(\$5,896,000)
		<u>\$5,721,000</u>
Model Toxics Control Operating Account—State	Appropriation	
		(\$6,433,000)
		<u>\$6,013,000</u>
Forest Practices Application Account—State	Appropriation	
		(\$2,018,000)
		<u>\$2,005,000</u>
Air Pollution Control Account—State	Appropriation	
		(\$901,000)
		<u>\$899,000</u>
NOVA Program Account—State	Appropriation	
		(\$781,000)
		<u>\$775,000</u>
Pension Funding Stabilization Account—State	Appropriation	
		\$3,240,000
Derelict Vessel Removal Account—State	Appropriation	
		(\$2,001,000)
		<u>\$1,992,000</u>
Community Forest Trust Account—State	Appropriation	
		\$52,000
Agricultural College Trust Management Account—State	Appropriation	
		(\$3,183,000)
		<u>\$3,160,000</u>
Performance Audits of Government Account—State	Appropriation	
		\$325,000
TOTAL APPROPRIATION		(\$481,455,000)
		<u>\$535,001,000</u>

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

- (1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.
- (2) \$41,514,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$16,546,000)~~ \$58,139,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this

subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation).

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) \$22,843,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) \$59,000 of the general fund—state appropriation for fiscal year 2020 and \$266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention).

(23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

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~~((26))~~ ~~\$93,000 of the aquatic lands enhancement account—state appropriation and \$93,000 of the resource management cost account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~((27))~~ (25) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

~~((29))~~ (26) \$325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program

activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

~~((34))~~ (27) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

~~((31))~~ (28) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(29) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to reimburse Clark county for costs incurred for emergency sheltering of evacuated livestock during the 2020 wildfire season.

Sec. 1309. 2020 c 357 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2020)	\$19,030,000
General Fund—State Appropriation (FY 2021)	
.....	((20,514,000))
	\$19,755,000
General Fund—Federal Appropriation.....	((32,646,000))
	\$32,859,000
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation	((2,533,000))
	\$2,518,000
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation	\$320,000
Model Toxics Control Operating Account—State	
Appropriation	((6,930,000))
	\$6,791,000
Water Quality Permit Account—State Appropriation .	\$73,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020)	\$635,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021)	\$635,000
Pension Funding Stabilization Account—State	
Appropriation	\$1,036,000
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$20,000,000</u>
TOTAL APPROPRIATION	((84,545,000))
	\$103,845,000

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

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 (~~and~~), \$6,102,905 of the general fund—state appropriation for fiscal year 2021, and \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators).

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production).

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

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(16) \$58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) \$126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

~~(19) ~~(\$299,000 of the model toxics control operating account state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~~~

~~(20))~~ (20) \$200,000 of the ~~(general fund—state appropriation for fiscal year 2021)~~ model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

~~((22))~~ (21) \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

~~(24))~~ (22) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

~~((25))~~ (23) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$20,000 is for the Ferry county sheriff's department and \$20,000 is for the Stevens county sheriff's department.

~~((26))~~ (24) \$38,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$63,000)~~ \$153,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an ~~(Asian giant hornet)~~ Vespa mandarinia eradication program.

~~((28))~~ (25) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

Sec. 1310. 2020 c 357 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State	
Appropriation	(\$881,000)
	<u>\$892,000</u>
Pollution Liability Insurance Program Trust Account—	
State Appropriation	(\$1,749,000)
	<u>\$1,737,000</u>
TOTAL APPROPRIATION	(\$2,630,000)
	<u>\$2,629,000</u>

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

(1) \$71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the

implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1311. 2020 c 357 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2020)..... \$4,717,000
 General Fund—State Appropriation (FY 2021).~~(((\$4,798,000))~~

\$4,579,000
 General Fund—Federal Appropriation~~(((\$12,728,000))~~
\$12,638,000

Aquatic Lands Enhancement Account—State
 Appropriation.....~~(((\$1,444,000))~~
\$1,432,000

Model Toxics Control Operating Account—State
 Appropriation.....~~(((\$755,000))~~
\$741,000

Pension Funding Stabilization Account—State
 Appropriation..... \$276,000
 TOTAL APPROPRIATION.....~~(((\$24,718,000))~~
\$24,383,000

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

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

**PART XIV
 TRANSPORTATION
 SUPPLEMENTAL**

Sec. 1401. 2020 c 357 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2020)..... \$3,805,000
 General Fund—State Appropriation (FY 2021) ~~(((\$6,109,000))~~
\$3,121,000

Architects' License Account—State
 Appropriation.....~~(((\$1,641,000))~~
\$1,631,000

Real Estate Commission Account—State
 Appropriation.....~~(((\$14,422,000))~~
\$13,273,000

Uniform Commercial Code Account—State
 Appropriation.....~~(((\$2,979,000))~~
\$2,614,000

Real Estate Education Program Account—State
 Appropriation..... \$276,000

Real Estate Appraiser Commission Account—State
 Appropriation.....~~(((\$1,707,000))~~
\$1,575,000

Business and Professions Account—State
 Appropriation.....~~(((\$26,855,000))~~
\$24,597,000

Real Estate Research Account—State Appropriation \$415,000
 Firearms Range Account—State Appropriation..... \$74,000
 Landscape Architects' License Account—State
 Appropriation.....~~(((\$126,000))~~
\$124,000

Appraisal Management Company Account—State
 Appropriation.....~~(((\$442,000))~~
\$435,000

Concealed Pistol License Renewal Notification
 Account—State Appropriation..... \$140,000
 Geologists' Account—State Appropriation~~(((\$114,000))~~
\$113,000

Pension Funding Stabilization Account—State
 Appropriation..... \$96,000

Derelict Vessel Removal Account—State
 Appropriation..... \$33,000

TOTAL APPROPRIATION~~(((\$59,234,000))~~
\$52,322,000

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

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers).

(3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts).

(4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

(5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$3,050,000))~~ \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). ~~((#~~

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~~the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.)~~

(7) \$22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(8) \$19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1402. 2020 c 357 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation (FY 2020).....	\$57,529,000
General Fund—State Appropriation (FY 2021)	(\$58,775,000)
	<u>\$58,373,000</u>
General Fund—Federal Appropriation	(\$16,690,000)
	<u>\$16,641,000</u>
General Fund—Private/Local Appropriation.....	\$3,091,000
Death Investigations Account—State Appropriation	(\$9,098,000)
	<u>\$8,505,000</u>
County Criminal Justice Assistance Account—State	
Appropriation.....	(\$4,550,000)
	<u>\$4,488,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation.....	(\$1,644,000)
	<u>\$1,618,000</u>
Fire Service Trust Account—State Appropriation.....	\$131,000
Vehicle License Fraud Account—State Appropriation	
.....	\$119,000
Disaster Response Account—State Appropriation	(\$8,000,000)
	<u>\$18,470,000</u>
Washington Internet Crimes Against Children Account—	
State Appropriation.....	\$1,500,000
Fire Service Training Account—State Appropriation	
.....	(\$11,765,000)
	<u>\$10,023,000</u>
Model Toxics Control Operating Account—State	
Appropriation.....	(\$588,000)
	<u>\$584,000</u>
(Aquatic Invasive Species Management Account—	
State Appropriation.....	\$54,000)
Fingerprint Identification Account—State	
Appropriation.....	(\$16,447,000)
	<u>\$15,639,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020)	\$2,453,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021)	(\$2,793,000)
	<u>\$2,423,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$3,300,000
TOTAL APPROPRIATION.....	(\$198,527,000)
	<u>\$204,887,000</u>

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

(1) ~~(\$8,000,000)~~ \$18,470,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960

through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(\$2,793,000)~~ \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 ~~(and \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are)~~ is provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures).

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors).

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault).

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with Washington State University to produce the report in section 604 of this act.

(16) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) Funding is provided in this section for facility and staff costs associated with construction of a second toxicology laboratory facility in Federal Way. The Washington state patrol must provide a report on the progress of the toxicology lab construction semiannually to the fiscal committees of the legislature with a final report due 90 days after completion of the project. The report must include, but is not limited to:

- (a) A detailed list of expenditures to date of the report;
- (b) A detailed list of expenditure yet to be made before the completion of the project;
- (c) An updated project timeline with expected end date; and

(d) Other project details that the Washington state patrol finds important to relay.

**PART XV
EDUCATION
SUPPLEMENTAL**

Sec. 1501. 2020 c 357 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020)	\$31,265,000
General Fund—State Appropriation (FY 2021)	(\$30,350,000)
	<u>\$28,815,000</u>
General Fund—Federal Appropriation.....	(\$99,355,000)
	<u>\$101,716,000</u>
General Fund—Private/Local Appropriation	\$8,060,000
Washington Opportunity Pathways Account—State Appropriation	(\$4,265,000)
	<u>\$265,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$522,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$530,000
Pension Funding Stabilization Account—State Appropriation	\$2,126,000
Performance Audits of Government Account—State Appropriation	\$213,000
<u>Elementary and Secondary School Emergency Relief III Account—Federal Appropriation</u>	<u>\$2,485,000</u>
TOTAL APPROPRIATION	(\$176,686,000)
	<u>\$175,997,000</u>

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

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and \$11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number

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of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

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

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of

chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government

training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology

services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation

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for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

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

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

Second Substitute Senate Bill No. 5082 (social emotional learning).

(h) ~~((+))~~ (i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

~~((+))~~ (j) (i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

~~((+))~~ (j)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection ~~((+))~~ (j), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

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

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three

principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(~~(H)~~) (i)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (~~(F)~~) (i) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

(~~(k)~~) (k) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child. mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being).

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

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(A) Within the amounts provided in this subsection (4)(f) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for

future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies).

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.).

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program.

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools

and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the

state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) ~~((y))~~ Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

~~((z))~~ ~~(w)~~ \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

~~((aa))~~ ~~(x)~~ \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ab))~~ ~~(y)~~ \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ac))~~ ~~(z)~~ \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW 28A.230.125, including, but not limited to, granting the option of using a weighted grade point

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average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

((hh)) (aa) \$385,000 of the general fund—state appropriation for fiscal year 2020 and \$349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((ii)) (bb) \$6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(5) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by \$300,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(6) \$2,485,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

Sec. 1502. 2020 c 357 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2020)	\$8,449,996,000
General Fund—State Appropriation (FY 2021)	((\$8,942,348,000))
	<u>\$8,627,536,000</u>
Education Legacy Trust Account—State Appropriation	\$1,955,730,000
TOTAL APPROPRIATION	((\$19,348,074,000))
	<u>\$19,033,262,000</u>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the

enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:				
Grade	RCW 28A.150.260	2019-20 School Year	2020-21 School Year	
Grade K		17.00	17.00	
Grade 1		17.00	17.00	
Grade 2		17.00	17.00	
Grade 3		17.00	17.00	
Grade 4		27.00	27.00	
Grades 5-6		27.00	27.00	
Grades 7-8		28.53	28.53	
Grades 9-12		28.74	28.74	

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day,

is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school ((in the 2019-20 school year)) as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under (((d)(ii)(A) of)) this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of

the general education rate in (a) of this subsection by the following factors: Career and Technical Education students

1.025

Skill Center students..... 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.50 percent in the 2019-20 school year and ((+2.52)) 12.62 percent in the 2020-21 school year for career and technical education students, and 17.83 percent in the 2019-20 school year and ((+7.85)) 17.96 percent in the 2020-21 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school

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year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

- (i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and
- (ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	\$138.08
Utilities and Insurance	\$369.29	\$375.20
Curriculum and Textbooks	\$145.92	\$148.26
Other Supplies	\$289.00	\$293.62
Library Materials	\$20.79	\$21.12
Instructional Professional Development for Certificated and Classified Staff	\$22.57	\$22.93
Facilities Maintenance	\$182.94	\$185.87
Security and Central Office	\$126.74	\$128.77
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,293.16	\$1,313.85

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection

(8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	\$39.70
Curriculum and Textbooks	\$42.63	\$43.32
Other Supplies	\$83.04	\$84.37
Library Materials	\$5.78	\$5.87
Instructional Professional Development for Certified and Classified Staff	\$7.11	\$7.22
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	\$180.48

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students

and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$95,777,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for enrollment stabilization allocations in the 2020-21 school year required in section 1519 of this act.

Sec. 1503. 2020 c 357 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2020)..	\$387,359,000
General Fund—State Appropriation (FY 2021)	
.....((\$644,562,000))	
	<u>\$621,918,000</u>
TOTAL APPROPRIATION.....	<u>((\$1,031,921,000))</u>

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

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five 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.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) \$1,226,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

Sec. 1504. 2020 c 357 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2020)..	\$646,545,000
General Fund—State Appropriation (FY 2021)	(\$626,529,000)
	<u>\$514,306,000</u>
(Education Legacy Trust Account—State	
Appropriation	\$29,500,000)
TOTAL APPROPRIATION.....	(\$1,302,574,000)
	<u>\$1,160,851,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable

competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

~~((+))~~ (10) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

~~((+))~~ (11) \$21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

(12) \$116,621,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for emergency transportation allocations to increase allocations for any school district and tribal compact school that receives less in allocations under RCW 28A.160.192 in the 2020-21 school year than in the 2019-20 school year up to an amount equal to the sum of the school district's student transportation allocations in the 2019-20 and 2020-21 school years under RCW 28A.160.192 divided by 2.

Sec. 1505. 2019 c 415 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2020).....	\$7,230,000
General Fund—State Appropriation (FY 2021) ((\$7,230,000))	(\$7,230,000)
	<u>\$7,229,000</u>
General Fund—Federal Appropriation.....	\$537,178,000
TOTAL APPROPRIATION	(\$551,638,000)
	<u>\$551,637,000</u>

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

(1) \$7,111,000 of the general fund—state appropriation for fiscal year 2020 and \$7,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

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(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) \$119,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$119,000)~~) \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

Sec. 1506. 2020 c 357 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020)	\$1,406,767,000
General Fund—State Appropriation (FY 2021)	((\$1,463,248,000))
	<u>\$1,380,605,000</u>
General Fund—Federal Appropriation	\$514,008,000
Education Legacy Trust Account—State Appropriation	\$54,694,000
Pension Funding Stabilization Account—State Appropriation	\$20,000
TOTAL APPROPRIATION	((\$3,438,737,000))
	<u>\$3,356,094,000</u>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$63,609,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$91,500,000)~~) \$94,630,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(14) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

Sec. 1507. 2020 c 357 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2020)....	\$12,869,000
General Fund—State Appropriation (FY 2021)	
.....((\$18,930,000))	
	<u>\$22,230,000</u>
TOTAL APPROPRIATION.....	((\$31,799,000))
	<u>\$35,099,000</u>

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$3,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the educational services districts for unanticipated increased costs that have resulted from the COVID-19 pandemic.

Sec. 1508. 2020 c 357 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2020) ..\$353,213,000

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General Fund—State Appropriation (FY 2021)	
.....	(\$332,158,000)
	\$348,926,000
TOTAL APPROPRIATION.....	(\$685,371,000)
	\$702,139,000

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

\$25,170,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$20,593,000)~~ \$13,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

Sec. 1509. 2020 c 357 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020)....	\$15,501,000
General Fund—State Appropriation (FY 2021)	
.....	(\$16,707,000)
	\$14,678,000
General Fund—Federal Appropriation	\$3,000,000
TOTAL APPROPRIATION.....	(\$32,208,000)
	\$33,179,000

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

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$999,000 of the general fund—state appropriation for fiscal year 2020 and \$2,113,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 is provided solely to support one student records

coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$3,000,000 of the general fund—federal appropriation (CRSSA/ESSER) is provided solely for enrollment stabilization from federal funding provided in response to the COVID-19 pandemic as authorized in subsection 313(e), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. If institutional education enrollment in the 2020-21 school year for a residential school as defined by RCW 28A.190.020 or juvenile detention facility as identified by RCW 28A.190.010 is less than funded annual average full-time equivalent enrollment in the 2019-20 school year, the superintendent of public instruction must provide an enrollment stabilization allocation to bring the allocation for the institution up to an amount calculated using 2019-20 annual average full-time equivalent enrollment values and formulas in place for the 2020-21 school year, provided that using 2019-20 annual average full-time equivalent enrollment values does not result in less funding for the institution.

Sec. 1510. 2020 c 357 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2020)....	\$30,504,000
General Fund—State Appropriation (FY 2021)	
.....	(\$31,696,000)
	\$30,541,000
TOTAL APPROPRIATION	(\$62,200,000)
	\$61,045,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

Sec. 1511. 2020 c 357 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2020) ..	\$131,298,000
General Fund—State Appropriation (FY 2021)	
.....	(\$135,955,000)
	<u>\$135,126,000</u>
General Fund—Federal Appropriation	\$96,576,000
General Fund—Private/Local Appropriation.....	\$1,450,000
Education Legacy Trust Account—State Appropriation	
.....	\$1,636,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$765,000
TOTAL APPROPRIATION.....	(\$367,680,000)
	<u>\$366,851,000</u>

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$69,237,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$73,797,000)~~ \$73,034,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of \$5,593 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received

under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 1512. 2020 c 357 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2020) ..\$205,270,000

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General Fund—State Appropriation (FY 2021)	\$430,191,000
.....((\$216,650,000))	\$533,481,000
	<u>\$208,065,000</u>
General Fund—Federal Appropriation	\$102,242,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,000
TOTAL APPROPRIATION.....((\$524,166,000))	<u>\$515,581,000</u>

General Fund—Federal Appropriation.....	\$430,191,000
TOTAL APPROPRIATION	((\$1,381,045,000))
	<u>\$1,380,645,000</u>

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

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.93 percent for school year 2019-20 and ((~~4.89~~)) 1.99 percent for school year 2020-21.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 1513. 2020 c 357 s 515 (uncodified) is amended to read as follows:

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

Sec. 1514. 2020 c 357 s 516 (uncodified) is amended to read as follows:

General Fund—State Appropriation (FY 2020)..	\$416,973,000
General Fund—State Appropriation (FY 2021)	
.....((\$430,591,000))	

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations
Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	\$9,176	(\$9,398) <u>\$9,339</u>
Pupil Transportation	\$586	(\$586) <u>\$336</u>
Special Education Programs	\$9,611	(\$10,107) <u>\$10,104</u>
Institutional Education Programs	\$19,186	(\$20,540) <u>\$21,843</u>
Programs for Highly Capable Students	\$598	\$609
Transitional Bilingual Programs	\$1,365	(\$1,390) <u>\$1,398</u>
Learning Assistance Program	\$932	(\$950) <u>\$949</u>

Sec. 1515. 2020 c 357 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ~~(2020)~~ 2021, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ~~(2020)~~ 2021 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for

any other purpose beyond those authorized in section 907 of this act. (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 1516. 2020 c 357 s 518 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation	(\$93,986,000) <u>\$87,527,000</u>
TOTAL APPROPRIATION	(\$93,986,000) <u>\$87,527,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$78,000 of the Washington opportunity pathways account—state appropriation is provided solely for enrollment stabilization allocations in the 2020-21 school year required in section 1519 of this act.

(3) \$506,000 of the Washington opportunity pathways account—state appropriation is provided solely for emergency transportation allocations to increase allocations for any charter school that receives less in allocations under RCW 28A.160.192 in the 2020-21 school year than in the 2019-20 school year up to an amount equal to the sum of the charter school's student transportation allocations in the 2019-20 and 2020-21 school years under RCW 28A.160.192 divided by 2.

Sec. 1517. 2020 c 357 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation	(\$294,000) <u>\$324,000</u>
Charter Schools Oversight Account—State Appropriation	\$2,454,000
TOTAL APPROPRIATION	(\$2,748,000) <u>\$2,778,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

Sec. 1518. 2020 c 357 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2020)	\$35,491,000
General Fund—State Appropriation (FY 2021)	(\$36,704,000) <u>\$35,391,000</u>
General Fund—Federal Appropriation	<u>\$74,237,000</u>
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	<u>\$333,450,000</u>
TOTAL APPROPRIATION	(\$72,195,000) <u>\$478,569,000</u>

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

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and \$2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and \$100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report

annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for

math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and \$3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation

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for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning

opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education).

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

~~((29))~~ (26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

~~((30))~~ (27) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

~~((31))~~ (28) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

~~((32))~~ (29) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

~~((33))~~ (30) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(31) \$878,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington school principals' education foundation to continue student outdoor

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education services. Within the amounts provided in this subsection (31):

(a) \$512,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Cispus learning center to continue services to provide outdoor education to the students of Washington state.

(b) \$366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the associate of Washington student leaders to continue services for student leadership programs within Washington state.

(32) The general fund—state appropriations in this section for fiscal year 2021 have been reduced by \$11,000 to reflect furlough savings implemented in the office. The office of financial management, in consultation with the office of the superintendent of public instruction, shall adjust allotments from the appropriations in this section, including allotments of amounts provided solely for a specific purpose, to reflect the reduction to the overall appropriation.

(33) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$74,237,000 of the general fund—federal appropriation (CRSSA/ESSER) is provided solely for allocations from federal funding for subgrants in response to the COVID-19 pandemic as authorized in section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(b) \$333,450,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss.

NEW SECTION. Sec. 1519. A new section is added to 2020 c 357 (uncodified) to read as follows: ENROLLMENT STABILIZATION

(1) From appropriations in sections 504(23), 520(2), 1502(22), and 1516(2) of this act, the superintendent of public instruction must provide an enrollment stabilization allocation to local education agencies equal to amount A minus amount B if amount A minus amount B is greater than zero.

(a) "Amount A" is the maximum enrollment stabilization amount in subsection (2) of this section.

(b) "Amount B" is total federal funding that is available to the local education agency from subgrants provided by the elementary and secondary school emergency relief fund as enacted by subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(2) The maximum enrollment stabilization allocation for the 2020-21 school year is the amount needed to bring total allocations for all program and enrollment groups listed in (b) of this subsection that meet the criteria in (a) of this subsection up to an amount calculated using 2019-20 annual average enrollment values and formulas in place for the 2020-21 school year.

(a) A program and enrollment group meets the criteria to be included in the maximum enrollment stabilization allocation for a local education agency if enrollment in the 2020-21 school year is less than funded annual average enrollment in the 2019-20 school year and using 2019-20 annual average enrollment values does not result in less funding within the program to the local education agency.

(b) Program and enrollment groups that may be eligible for the maximum enrollment stabilization allocation are:

(i) Total annual average full-time equivalent enrollment in kindergarten through 12th grades, including alternative learning experience enrollment for purposes of calculating general apportionment allocations;

(ii) Enrollment in special education for purposes of calculating excess cost allocations as defined in RCW 28A.150.390.

Allocations for special education enrollment above 2020-21 school year levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Enrollment in programs that provide supplemental instruction and services for students whose primary language is other than English for purposes of calculating allocations as described in RCW 28A.150.260(10)(b);

(iv) Enrollment in programs that support highly capable students for purposes of calculating allocations as described in RCW 28A.150.260(10)(c);

(v) Enrollment in dropout reengagement programs for purposes of calculating allocations for eligible students under RCW 28A.175.100; and

(vi) Enrollment in career and technical education and skill centers for purposes of calculating allocations as described in RCW 28A.150.260 (4)(c), (7), and (9).

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

(4) For purposes of this section, "local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

PART XVI HIGHER EDUCATION SUPPLEMENTAL

Sec. 1601. 2020 c 357 s 602 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Table with 2 columns: Description and Amount. Includes rows for General Fund—State Appropriation (FY 2020), General Fund—State Appropriation (FY 2021), Community/Technical College Capital Projects Account—State Appropriation, Education Legacy Trust Account—State Appropriation, Pension Funding Stabilization Account—State Appropriation, and TOTAL APPROPRIATION.

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) \$2,443,000 of the general fund—state appropriation for fiscal year 2021 and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation

for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$20,194,000)~~ \$20,253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of

chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants).

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

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implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

~~((30))~~ (27) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1602. 2020 c 357 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2020)	
.....	((340,784,000))
	<u>\$340,744,000</u>
General Fund—State Appropriation (FY 2021)	
.....	((358,083,000))
	<u>\$354,446,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	((1,606,000))
	<u>\$1,595,000</u>
University of Washington Building Account—State	
Appropriation.....	\$1,546,000
Education Legacy Trust Account—State Appropriation	
.....	((36,731,000))
	<u>\$36,595,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	((3,087,000))
	<u>\$3,080,000</u>
Geoduck Aquaculture Research Account—State	
Appropriation.....	\$800,000
Biotoxin Account—State Appropriation.....	((612,000))
	<u>\$611,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020)	\$256,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021)	((272,000))
	<u>\$266,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$50,906,000
Accident Account—State Appropriation	((7,907,000))
	<u>\$7,850,000</u>
Medical Aid Account—State Appropriation.....	((7,507,000))
	<u>\$7,457,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal</u>	
<u>Appropriation</u>	<u>\$35,000,000</u>
TOTAL APPROPRIATION.....	((810,097,000))

\$841,152,000

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

(1) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~((41,913,000))~~ \$42,036,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) \$1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(9) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(10) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the

department of commerce to expand services that serve homeless youth in the university district.

(12) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(13)(a) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(14) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(15) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(16) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(18) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(a) Teach participants relevant laws, including laws around physical restraint and isolation;

(b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(d) Teach approaches to promote health and positively influence student health behaviors.

(20) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(21) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(22) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(23) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(24) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(25) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of

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university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(27) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(c) A review of best practices and policies; and

(d) Recommendations for the establishment and continuation of home-sharing programs.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(29) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(30) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(b) Beginning with the 2020-21 school year:

(i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(31) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(32) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(33)(a) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(b) \$63,000 of the general fund—state appropriation for fiscal year 2020 in (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(34) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(35) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(36) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(37) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners).

(38) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

(39) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(c) Assess southwest Washington landowner interest in growing poplar feedstock;

(d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

(40) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(41) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

~~((45))~~ (42) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

~~((47))~~ (43) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((48))~~ (44) \$364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((51))~~ (45) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((52))~~ (46) \$1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

(47) \$141,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

(48) \$35,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the University of Washington medical center.

Sec. 1603. 2020 c 357 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2020)	((\$222,642,000))
	<u>\$222,508,000</u>
General Fund—State Appropriation (FY 2021)	((\$233,649,000))
	<u>\$228,500,000</u>
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000

Model Toxics Control ((Stormwater)) Operating Account—State Appropriation	((\$50,000))
	<u>\$250,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$138,000
Pension Funding Stabilization Account—State Appropriation	\$30,954,000
TOTAL APPROPRIATION	((\$522,358,000))
	<u>\$517,275,000</u>

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

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$29,793,000~~))~~ \$29,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

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(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the ~~((general fund—state appropriation for fiscal year 2021))~~ model toxics control operating account—state appropriation are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

~~((27))~~ (24)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a

report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

- (i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;
- (ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and
- (iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

~~((28))~~ (25) \$130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(26) \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 6, Laws of 2021 (Engrossed Substitute Senate Bill No. 5272).

Sec. 1604. 2020 c 357 s 605 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020).....	\$55,128,000
General Fund—State Appropriation (FY 2021)	(((\$57,943,000))
.....	<u>\$56,856,000</u>
Education Legacy Trust Account—State Appropriation	\$16,794,000
.....	(((\$129,865,000))
TOTAL APPROPRIATION.....	<u>\$128,778,000</u>

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

- (1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.
- (2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.
- (3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.
- (4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$10,702,000))~~ \$10,733,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.
- (5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.
- (6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and

archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) \$73,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$73,000))~~ \$17,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((49))~~ (9) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1605. 2020 c 357 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020)	(((\$54,520,000))
.....	<u>\$54,365,000</u>
General Fund—State Appropriation (FY 2021)	(((\$34,179,000))
.....	<u>\$56,301,000</u>
Central Washington University Capital Projects	
Account—State Appropriation.....	\$76,000
Education Legacy Trust Account—State Appropriation	
.....	\$19,076,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$3,924,000
TOTAL APPROPRIATION	(((\$134,775,000))
	<u>\$133,742,000</u>

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

- (1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.
- (2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.
- (3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$12,063,000))~~ \$12,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.
- (4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.
- (5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and

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math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((4+))~~ (7) \$53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1606. 2020 c 357 s 607 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2020).... \$30,208,000
General Fund—State Appropriation (FY 2021)
.....~~((31,303,000))~~
\$30,839,000

The Evergreen State College Capital Projects
Account—State Appropriation \$80,000
Education Legacy Trust Account—State Appropriation
..... \$5,450,000
Pension Funding Stabilization Account—State
Appropriation..... \$2,000
TOTAL APPROPRIATION.....~~((67,043,000))~~
\$66,579,000

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

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~((3,669,000))~~ \$3,680,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ~~((2,754,000))~~ \$2,528,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and \$1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) \$1,388,000 of the amounts in fiscal year 2020 and ~~((1,177,000))~~ \$1,061,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the

Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations).

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement).

(f) ~~((+))~~ Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1607. 2020 c 357 s 608 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2020)....\$78,664,000
General Fund—State Appropriation (FY 2021)
.....~~((82,923,000))~~
\$81,724,000

Western Washington University Capital Projects
Account—State Appropriation..... \$1,424,000
Education Legacy Trust Account—State Appropriation
..... \$13,831,000
TOTAL APPROPRIATION~~((176,842,000))~~
\$175,643,000

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

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$16,649,000)~~ \$16,698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((49))~~ (9) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~((41))~~ (10) \$886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

Sec. 1608. 2020 c 357 s 609 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2020).~~(\$6,459,000)~~
\$6,434,000
General Fund—State Appropriation (FY 2021).~~(\$7,704,000)~~

\$6,612,000
General Fund—Federal Appropriation..... ~~(\$4,927,000)~~
\$4,912,000
Pension Funding Stabilization Account—State
Appropriation \$534,000
TOTAL APPROPRIATION ~~(\$19,624,000)~~
\$18,492,000

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

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

~~((6))~~ (4) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

~~((8))~~ (5) \$208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1609. 2020 c 357 s 610 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020) ..\$273,435,000
General Fund—State Appropriation (FY 2021)
..... ~~(\$288,093,000)~~
\$290,727,000
General Fund—Federal Appropriation..... ~~(\$12,038,000)~~
\$11,999,000
General Fund—Private/Local Appropriation \$300,000
Education Legacy Trust Account—State Appropriation
..... \$93,488,000
Washington Opportunity Pathways Account—State
Appropriation ~~(\$114,229,000)~~
\$102,197,000
Aerospace Training Student Loan Account—State
Appropriation ~~(\$216,000)~~
\$215,000
Workforce Education Investment Account—State
Appropriation ~~(\$14,824,000)~~
\$4,719,000
Pension Funding Stabilization Account—State
Appropriation \$18,000
Health Professionals Loan Repayment and Scholarship
Program Account—State Appropriation \$1,720,000
State Educational Trust Fund Account—State
Appropriation \$6,000,000
State Financial Aid Account—State Appropriation \$1,500,000
TOTAL APPROPRIATION ~~(\$805,861,000)~~
\$786,318,000

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

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, \$7,935,000 of the general fund—state appropriation for fiscal year 2021, \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, (~~(\$14,824,000)~~) \$1,079,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and (~~(\$56,950,000)~~) \$44,918,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they

are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) \$972,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$1,165,000)~~) \$3,701,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 (~~and~~), \$2,795,000 of the general fund—state appropriation for fiscal year 2021, and \$3,640,000 of the workforce education investment account—state appropriation are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) \$2,536,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$4,432,000)~~) \$4,540,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current

number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship).

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

(17) \$625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(18) \$1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) \$161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(20) \$396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1610. 2020 c 357 s 611 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2020)..... \$2,270,000
General Fund—State Appropriation (FY 2021).(~~(\$2,300,000)~~)

\$2,279,000
General Fund—Federal Appropriation..... (~~(\$55,511,000)~~)
\$55,441,000
General Fund—Private/Local Appropriation (~~(\$211,000)~~)
\$210,000
Pension Funding Stabilization Account—State
Appropriation \$176,000
TOTAL APPROPRIATION (~~(\$60,468,000)~~)
\$60,376,000

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

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.).

(5) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped (~~(VSee))~~ telemedicine kits for student training purposes in rural and underserved communities.

Sec. 1611. 2020 c 357 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2020)..... \$9,001,000
General Fund—State Appropriation (FY 2021) (~~(\$9,275,000)~~)
\$9,128,000
General Fund—Private/Local Appropriation \$34,000
Pension Funding Stabilization Account—State
Appropriation \$590,000
TOTAL APPROPRIATION (~~(\$18,900,000)~~)
\$18,753,000

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

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades (~~(nine))~~ six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation

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for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1612. 2020 c 357 s 613 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2020),...	\$14,463,000
General Fund—State Appropriation (FY 2021)	(\$14,581,000)
.....	<u>\$13,901,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$728,000
TOTAL APPROPRIATION.....	(\$29,772,000)
	<u>\$29,092,000</u>

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

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

Sec. 1613. 2020 c 357 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2020),.....	\$2,222,000
General Fund—State Appropriation (FY 2021),.....	(\$2,513,000)
	<u>\$2,467,000</u>
General Fund—Federal Appropriation.....	(\$2,160,000)
	<u>\$2,145,000</u>
General Fund—Private/Local Appropriation.....	\$50,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$122,000
TOTAL APPROPRIATION.....	(\$7,067,000)
	<u>\$7,006,000</u>

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

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

~~((4))~~ (3) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

Sec. 1614. 2020 c 357 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020).....	\$3,709,000
General Fund—State Appropriation (FY 2021).....	(\$3,818,000)
	<u>\$3,739,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$230,000
TOTAL APPROPRIATION.....	(\$7,757,000)
	<u>\$7,678,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) \$109,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1615. 2020 c 357 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020).....	\$2,751,000
General Fund—State Appropriation (FY 2021).....	(\$2,841,000)
	<u>\$2,907,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$214,000
TOTAL APPROPRIATION.....	(\$5,806,000)
	<u>\$5,872,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in section 701 of this act.

**PART XVII
SPECIAL APPROPRIATIONS
SUPPLEMENTAL**

Sec. 1701. 2020 c 357 s 701 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2020).....	\$9,107,000
General Fund—State Appropriation (FY 2021).....	\$12,309,000
General Fund—Federal Appropriation.....	\$7,427,000
General Fund—Private/local Appropriation.....	\$213,000
Other Appropriated Funds.....	\$65,139,000
TOTAL APPROPRIATION.....	\$94,195,000

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

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of

moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. To facilitate transfer of unused moneys originally from other funds and accounts that were deposited into the information technology revolving account as associated with these same projects, and that are not expended by June 30, 2021, the state treasurer is directed to transfer money from other funds and accounts out of the information technology investment revolving account and deposit into the fund or account of origin in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subject codes of expenditures; and
- (v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
 - (ii) The office of the state chief information officer staff assigned to the project;
 - (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;
 - (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;
 - (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and
 - (vi) Financial budget coding to include at least discreet program index and subject codes.
- (6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.
- (7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:
- (i) Project changes each fiscal month;
 - (ii) Noting if the project has a completed market requirements document;
 - (iii) Financial status of information technology projects under oversight;
 - (iv) Coordination with agencies;
 - (v) Monthly quality assurance reports, if applicable;
 - (vi) Monthly office of the state chief information officer status reports;
 - (vii) Historical project budget and expenditures through fiscal year 2019;
 - (viii) Budget and expenditures each fiscal month; and
 - (ix) Estimated annual maintenance and operations costs by fiscal year.
- (b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.
- (8) If the project affects more than one agency:
- (a) A separate technology budget and investment plan must be prepared for each agency; and
 - (b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.
- (9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:
- (a) Quality assurance for the project must report independently to the office of the chief information officer;
 - (b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;
 - (c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

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(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

Sec. 1702. 2020 c 357 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2020)	
.....	\$1,179,075,000
General Fund—State Appropriation (FY 2021)	
.....	(\$1,224,915,000)
	<u>\$1,205,579,000</u>

State Building Construction Account—State	
Appropriation	(\$6,273,000)
	<u>\$7,596,000</u>
Columbia River Basin Water Supply Development	
Account—State Appropriation	\$30,000
Watershed Restoration and Enhancement Bond Account—	
State Appropriation	\$46,000
State Taxable Building Construction Account—State	
Appropriation	(\$277,000)
	<u>\$89,000</u>
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	\$566,000
TOTAL APPROPRIATION	(\$2,411,182,000)
	<u>\$2,392,981,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. Sec. 1703. A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	\$152,528,000
School Construction and Skill Centers Building	
Account—State Appropriation	\$5,000
TOTAL APPROPRIATION	\$152,533,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

Sec. 1704. 2020 c 357 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2020)	\$1,400,000
General Fund—State Appropriation (FY 2021)	\$1,400,000
State Building Construction Account—State	
Appropriation	(\$1,052,000)
	<u>\$1,730,000</u>

Columbia River Basin Water Supply Development	
Account—State Appropriation	\$6,000
School Construction and Skill Centers Building	
Account—State Appropriation	\$2,000
Watershed Restoration and Enhancement Bond Account—	
State Appropriation	\$9,000
State Taxable Building Construction Account—State	
Appropriation	(\$55,000)
	<u>\$38,000</u>
TOTAL APPROPRIATION	(\$3,924,000)
	<u>\$4,585,000</u>

Sec. 1705. 2020 c 357 s 704 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020 or fiscal year 2021, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as

otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Gerardo Rodarte Gonzalez, claim number 99970260\$24,385
- (2) Edward Bushnell, claim number 99970261 \$153,357
- (3) Shaun Beveridge, claim number 99970262..... \$56,514
- (4) Brandon Wheeler, claim number 9991001053..... \$123,464
- (5) Johnathan Paine, claim number 9991001583 \$22,246
- (6) Michael Welsh, claim number 9991001600..... \$5,000
- (7) Douglas Bartlett, claim number 9991001646..... \$5,500
- (8) Brian Minniear, claim number 9991001941..... \$111,956
- (9) Thomas Carey, claim number 9991001917..... \$122,431
- (10) Clayton Nicholas, claim number 9991003704 \$15,014
- (11) Corey Ellis, claim number 9991003458..... \$3,830
- (12) Sean Tuley, claim number 9991003888..... \$47,901
- (13) Juan Morales Padilla, claim number 9991003289.. \$3,700
- (14) Dillon Standberg, claim number 9991004467..... \$2,201
- (15) Frank Butler, claim number 9991004743..... \$20,750

Sec. 1706. 2020 c 357 s 706 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

- General Fund—State Appropriation (FY 2020).... \$73,000,000
- General Fund—State Appropriation (FY 2021)(~~\$75,800,000~~)
-\$78,800,000
- TOTAL APPROPRIATION.....(~~\$148,800,000~~)
-\$151,800,000

(3) There is appropriated for contributions to the judicial retirement system:

- General Fund—State Appropriation (FY 2020)..... \$1,545,000
- Pension Funding Stabilization Account—State Appropriation..... \$13,855,000
- TOTAL APPROPRIATION..... \$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

- General Fund—State Appropriation (FY 2020)..... \$400,000
- General Fund—State Appropriation (FY 2021)..... \$400,000
- TOTAL APPROPRIATION..... \$800,000

Sec. 1707. 2020 c 357 s 707 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

- Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation(~~\$15,532,000~~)
-\$10,132,000
- TOTAL APPROPRIATION.....(~~\$15,532,000~~)
-\$10,132,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided in this section is the maximum amount that may be expended. In addition, the

office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

Sec. 1708. 2019 c 415 s 727 (uncodified) is amended to read as follows:

FOR THE HEALTH CARE AUTHORITY—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT

- General Fund—State Appropriation (FY 2021) ... (~~\$708,000~~)
-\$3,104,000
- TOTAL APPROPRIATION (~~\$708,000~~)
-\$3,104,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Indian health improvement reinvestment account created in Senate Bill No. 5415 (Indian health improvement). (~~If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.~~)

NEW SECTION. Sec. 1709. A new section is added to 2020 c 357 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT

- General Fund—State Appropriation (FY 2021)..... \$1,405,000
- TOTAL APPROPRIATION \$1,405,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. Sec. 1710. A new section is added to 2020 c 357 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT—BUSINESS AND PROFESSIONS ACCOUNT

- General Fund—State Appropriation (FY 2021)..... \$1,000,000
- TOTAL APPROPRIATION \$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the business and professions account created in RCW 43.24.150.

NEW SECTION. Sec. 1711. A new section is added to 2020 c 357 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNEMPLOYMENT COMPENSATION FUND

- General Fund—State Appropriation (FY 2021)....\$82,000,000
- TOTAL APPROPRIATION\$82,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the unemployment compensation fund created in RCW 50.16.010.

NEW SECTION. Sec. 1712. A new section is added to 2020 c 357 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT

- General Fund—State Appropriation (FY 2021)..... \$1,910,000
- TOTAL APPROPRIATION \$1,910,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the judicial stabilization trust account created in RCW 43.79.505.

NEW SECTION. Sec. 1713. A new section is added to 2020 c 357 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS LOCAL FISCAL RECOVERY FUND

- General Fund—Federal Appropriation (ARPA)..\$483,400,000
- TOTAL APPROPRIATION\$483,400,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for distribution to nonentitlement units of local government

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pursuant to section 9901, section 603(a)(2), American rescue plan act of 2021, P.L. 117-2.

NEW SECTION. Sec. 1714. A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION IN FISCAL YEAR 2021**

General Fund—State Appropriation (FY 2021)..... \$6,750,000
TOTAL APPROPRIATION..... \$6,750,000

The appropriation in this section is subject to the following conditions and limitations: In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer must distribute the appropriation in this section to local taxing districts as follows:

- (1) Kent..... \$3,612,063
- (2) Auburn \$1,000,158
- (3) Tukwila \$882,597
- (4) Fife..... \$430,879
- (5) Issaquah \$285,450
- (6) Woodinville..... \$277,094
- (7) Sumner \$261,647

**PART XVIII
OTHER TRANSFERS AND APPROPRIATIONS
SUPPLEMENTAL**

Sec. 1801. 2020 c 357 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions..... ~~(\$10,883,000)~~
\$10,001,000

General Fund Appropriation for prosecuting attorney distributions ~~(\$7,618,000)~~
\$8,165,000

General Fund Appropriation for boating safety and education distributions..... ~~(\$4,000,000)~~
\$3,559,000

General Fund Appropriation for public utility district excise tax distributions..... ~~(\$65,249,000)~~
\$64,274,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies ~~(\$3,464,000)~~
\$3,557,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions \$140,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties ~~(\$79,337,000)~~
\$72,000,000

County Criminal Justice Assistance Appropriation ~~(\$103,457,000)~~
\$103,000,000

Municipal Criminal Justice Assistance Appropriation ~~(\$40,310,000)~~
\$41,000,000

City-County Assistance Appropriation..... ~~(\$35,507,000)~~
\$43,279,000

Liquor Excise Tax Account Appropriation for liquor excise tax distribution ~~(\$67,362,000)~~
\$76,709,000

Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law

changes..... \$1,937,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation..... \$8,364,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians \$5,728,000
Liquor Revolving Account Appropriation for liquor profits distribution \$98,876,000
General Fund Appropriation for other tax distributions..... ~~(\$80,000)~~
\$98,000

General Fund Appropriation for Marijuana Excise Tax distributions..... \$30,000,000
General Fund Appropriation for Habitat Conservation Program distributions ~~(\$5,754,000)~~
\$4,867,000

General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program..... ~~(\$4,040,000)~~
\$3,830,000

Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. ~~(If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions; submit the final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county.)~~..... ~~(\$28,683,000)~~
\$16,999,000

TOTAL APPROPRIATION.....((~~\$607,516,000~~)
\$596,383,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 2020 c 357 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, \$213,000,000 and this amount for fiscal year 2021, (~~(\$213,000,000)~~) \$272,000,000 (~~(\$426,000,000)~~)
\$485,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, \$152,000,000 and this amount for fiscal year 2021, (~~(\$152,000,000)~~) \$212,000,000 (~~(\$304,000,000)~~)
\$364,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and \$640,000 for fiscal year 2021 \$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 \$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 \$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 \$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, for fiscal year 2020 \$1,937,000

~~(General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021 \$6,727,000))~~

Criminal Justice Treatment Account: For transfer to the home security fund, for fiscal year 2020 \$4,500,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 \$16,000,000

~~(Disaster Response Account: For transfer to the state general fund, \$13,726,000 for fiscal year 2021 \$13,726,000))~~

General Fund: For transfer to the disaster response account for fiscal year 2021 \$59,540,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021 \$4,000,000

Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020 \$1,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 \$7,000,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021 \$800,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$80,000,000 for fiscal year 2020 and \$80,000,000 for fiscal year 2021 \$160,000,000

Model Toxics Control Operating Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and \$640,000 for fiscal year 2021 \$1,260,000

Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, \$160,000 for fiscal year 2020 \$160,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$4,500,000 for fiscal year 2020 \$4,500,000

Oil Spill Response Account: For transfer to the oil spill prevention account for the military department to continue assisting local emergency planning committees statewide with hazardous materials plans that meet minimum federal requirements, \$520,000 for fiscal year 2020 and \$520,000 for fiscal year 2021 \$1,040,000

General Fund: For transfer to the sea cucumber dive fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020 \$4,000

General Fund: For transfer to the sea urchin diver fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020 \$1,000

~~((Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to Engrossed Substitute House Bill No. 2638 (sports wagering/compacts), \$6,000,000 for fiscal year 2021 \$6,000,000))~~

General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2021 \$4,500,000

Child Care Facility Revolving Account: For transfer to the general fund, \$1,500,000 for fiscal year 2021 \$1,500,000

General Fund: For transfer to the economic development strategic reserve account, \$1,000,000 for fiscal year 2021 \$1,000,000

General Fund: For transfer to the community preservation and development authority account, \$1,500,000 for fiscal year 2020 \$1,500,000

General Fund: For transfer to the Washington rescue plan transition account created in section 1902 of this act, \$1,000,000,000 for fiscal year 2021 \$1,000,000,000

General Fund: For transfer to the workforce education investment account, \$45,000,000 for

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<u>fiscal year 2021</u>	<u>\$45,000,000</u>
<u>School Employees' Insurance Account: For transfer to</u>	
<u>the state general fund as repayment of the</u>	
<u>loan pursuant to section 704, chapter 299, Laws</u>	
<u>of 2018 (operating budget—supplemental).</u>	
<u>\$24,060,000 for fiscal year 2021</u>	<u>\$24,060,000</u>
<u>Budget Stabilization Account: For transfer to the</u>	
<u>state general fund for fiscal year 2021</u>	
	<u>\$1,820,374,000</u>

**PART XIX
MISCELLANEOUS
SUPPLEMENTAL**

NEW SECTION. Sec. 1901. A new section is added to chapter 28A.300 RCW to read as follows:

The elementary and secondary school emergency relief III account is created in the state treasury. Revenues attributable to section 2001, the American rescue plan act of 2021, P.L. 117-2 must be deposited into the account. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 1902. A new section is added to chapter 43.79 RCW to read as follows:

The Washington rescue plan transition account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys directed by the legislature to the account. Allowable uses of moneys in the account include responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding.

NEW SECTION. Sec. 1903. A new section is added to chapter 43.79 RCW to read as follows:

The coronavirus state fiscal recovery fund is created in the state treasury. Moneys in the account may be spent only after appropriation. All federal moneys received by the state pursuant to the American rescue plan act of 2021, state fiscal recovery fund, P.L. 117-2, subtitle M, section 9901, must be deposited in the account. The legislature may appropriate from the account only for the purposes authorized in that section of the federal act.

Sec. 1904. RCW 43.88.058 and 2018 c 208 s 5 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

- (1) Behavioral rehabilitation services placements;
- (2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect, except in fiscal year 2021;
- (3) Court-ordered parent-child and sibling visitations delivered by contractors; and
- (4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

Sec. 1905. 2021 c 3 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE—RENTAL ASSISTANCE AND HOUSING

General Fund—Federal Appropriation	\$365,000,000
TOTAL APPROPRIATION	\$365,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$325,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to administer an emergency rental and utility assistance program pursuant to P.L. 116-260, the federal consolidated appropriations act. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government. A provider may use up to 9.5 percent of their grant award for administrative costs and the remainder must be used for financial assistance as defined in P.L. 116-260. The department may retain up to 0.5 percent of the funding provided in this subsection to administer the program.

(2)(a) \$30,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to administer an eviction rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider. To be eligible for the program, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. Rental payments made through the program will be provided directly to landlords. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance.

(b) Of the amounts provided in this subsection, \$16,000,000 of the general fund—federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

(3) \$4,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding must be used for activities to prevent mortgage or tax lien foreclosures, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership. The department may contract with other state agencies to carry out these activities.

(4) \$1,500,000 of the general fund—federal appropriation (CRF) is provided solely for a contract with resolution Washington for alternative dispute resolution centers and dispute resolution programs to provide citizens with low-cost resolution as an alternative to litigation. This funding must be prioritized for resolution services relating to evictions.

(5) \$1,500,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of civil legal aid to provide services relating to evictions, housing, and utilities.

(6) \$1,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of the attorney general for legal work relating to the eviction moratorium extended in the governor's proclamation 20-19.5.

(7)(a) \$2,000,000 of the general fund—federal appropriation (CRF) is provided solely for a program to provide grants to eligible landlords who have encountered a significant financial hardship due to loss of rental income from elective nonpayer

tenants during the state's eviction moratorium pursuant to the governor's proclamation.

(b) To be eligible for a grant under this subsection, a landlord must:

(i) Apply for a grant or have a property manager or property management company apply for a grant on behalf of a landlord;

(ii) Be the sole investor in the property from which they are seeking rental arrears;

(iii) Be the owner of no more than ~~((four))~~ six dwelling units from which they receive rental payments; and

(iv) ~~((Not contract with a property manager or property management company for duties or activities related to the tenancy or dwelling unit; and~~

~~(v))~~ Have an elective nonpayer tenant who is in arrears in rent or utilities or both.

(c) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears. The department must prioritize landlords who have an income at or below 100 percent of the area median income and who demonstrate a loss of rental income, to the extent that funds are available.

(d) The department may inspect the property and the landlord's records related to an application under the program, including the use of a third-party inspector as needed to investigate fraud, to assist in making its application review, and to determine eligibility.

(e) A landlord who receives a grant under this section is prohibited from:

(i) Taking any legal action against the tenant for damages attributable to the same tenancy; or

(ii) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for damages attributable to the same tenancy.

(8) For the purposes of this section, the following definitions apply:

(i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

(ii) "Elective nonpayer" means a tenant who has been determined to not be eligible for the federal or state emergency rental assistance program or has not applied for the federal or state emergency rental assistance program.

(iii) "Landlord" has the meaning defined in RCW 59.18.030.

(iv) "Owner" has the meaning defined in RCW 59.18.030.

(v) "Rent" has the meaning defined in RCW 59.18.030.

(vi) "Tenant" has the meaning defined in RCW 59.18.030.

NEW SECTION. Sec. 1906. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 1907. 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. 1908. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 10.99.800, 16.76.030, 28B.20.476, 38.52.105, 41.06.280, 41.26.450, 41.45.230, 41.60.050, 41.80.010, 43.08.190, 43.09.475, 43.79.195, 43.79.270, 43.79.280, 43.88.585, 43.88C.010,

43.99N.060, 43.101.200, 43.101.220, 43.185C.060, 43.185C.190, 43.320.110, 43.372.070, 43.380.020, 46.09.520, 70A.200.140, 70A.305.180, 71.24.580, 74.13.715, 74.46.485, 74.46.501, 74.46.561, 79.64.040, 79.105.150, 79A.25.210, 82.08.170, 82.14.310, 90.50A.090, 43.70.---, and 43.88.058; amending 2019 c 415 ss 729, 952, 508, and 727, 2020 c 127 s 14, 2020 c 357 ss 101, 102, 103, 104, 105, 106, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 701, 702, 703, 704, 706, 707, 801, and 804, and 2021 c 3 s 3 (unmodified); reenacting and amending RCW 28B.115.070, 43.155.050, 69.50.540, and 79.64.110; adding new sections to chapter 43.79 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to 2020 c 357 (unmodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Robinson and Rolfes; Representatives Gregerson and Ormsby.

MOTION

Senator Rolfes moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5092 be adopted.

Senators Rolfes, Billig, Nobles and Carlyle spoke in favor of passage of the motion.

Senators Wilson, L., Rivers, Fortunato, Wagoner, Muzzall, Warnick, Brown, Dozier, Ericksen and Braun spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5092 be adopted.

The motion by Senator Rolfes carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5092, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, as recommended by the Conference Committee, having received the

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constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTIONS

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

Senators Liias and Short spoke in favor of adoption of the resolution.

Senator Liias moved adoption of the following resolution:

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

SENATE RESOLUTION
8629

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

By Senators Liias and Short

SIGNED BY THE PRESIDENT

WHEREAS, The 2021 Regular Session of the Sixty-seventh Legislature is drawing to a close; and

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096.

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2021 Regular Session of the Sixty-seventh Legislature and the convening of the next regular session;

PERSONAL PRIVILEGE

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

Senator Rolfes: "I know folks are tired and they want to go home, but you know who wants to go home more than we do? The people who worked on this budget behind the scenes. And so, I would, actually, technically they are probably already at home, but I want to make sure that we thank the folks that did all the hard, the really hard work on the state budget this year. So, I want to just name them: Michael Bezanson, James Kettel, Jeff Mitchell, Richard Ramsey, Julie Murray, Michele Alishahi, Amanda Cecil, Sarah Emmans, Kayla Hammer, Jed Herman, Maria Hovde, Alia Kennedy, Jeff Naas, Corban Nemeth, Trevor Press, Sarian Scott, Sandy Stith, Liza Weeks, Brenna Price and Mary Cho who left early but I hope they pass our thanks along to her. And before I close, I want to say that I don't think any of us guessed in December that this was actually going to work. And especially based on some of those practice runs that we had. And it was really hard to imagine how we were going to write a budget without any paper, all online. And Mr. President, we did it. And not only did we write a budget, but you cannot imagine how many trees we saved. Just from not printing the budget, we saved 747 reams of paper. Just from not printing the budget. That is 37 trees. That, my friends, is how you fight climate change. And so, I just want to make sure that people are aware of the technical work that those guys did and give special thanks for getting us across the finish line on time again. Thank you, Ways & Means staff."

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

PERSONAL PRIVILEGE

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

Senator Wilson, L.: "Thank you Mr. President. I would actually love to extend my deepest appreciation for the Ways & Means staff. It's the first time that I have had the opportunity to work with them directly on two levels. I was so impressed when they were writing my budget and their budget at the same time and so pretty incredible work for this group of people and I just, so proud to be able to work directly with them. And so, I just really wanted to extend that and a know that they are doing a really good job. Thank you."

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

PERSONAL PRIVILEGE

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

Senator Carlyle: "Mr. President, in thanking our Ways & Means Committee staff, I also, I also just want to take just a brief moment if I could, to thank the rest of the policy staff members. I recognize and appreciate that our budget committee staff both Operating/Capital and Transportation often are recognized but it

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2021 Regular Session of the Sixty-seventh Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by

is not as frequent that we acknowledge all of the Committee Services staff, or all of our policy committees led by Curt Gavigan and Kim Johnson and course our dais staff. But I just want to take a brief moment, and of course I know that all chairs feel this way, but the staff, the professional committee services staff of the Environment, Energy & Technology Committee, Kim, Greg, Angela, Alison, and Julie, the whole team did just an extraordinary year of climate action, the issue of privacy didn't make it over the line but so much work. And I just want to express my gratitude and I had a comment from a member of the House regarding the work that just said: the level and the depth and the substance of the, and the quality of the work of our staff was just, was just extraordinary. And I know that all committee chairs feel that way. Health Care and every other committee and I just wanted to take that moment to thank Curt and Kim and all of our professional committee staff services. Thank you so much Mr. President."

PERSONAL PRIVILEGE

Senator Liias: "It is a tradition of mine always, yes, to first of all, thank my counterpart Senator Short for her partnership in making the Senate floor operational and smooth. As much as our sides disagree, really strongly on some of the issues facing the state, I appreciate her partnership on making this institution function. And I know Senator Short and I both owe a huge debt of gratitude to the team at the rostrum, led by our Secretary Brad Hendrickson and our deputy secretary, the readers, and of course the amazing counsels Jeannie Gorrell and Victoria Cantore. And this year we are even more grateful to the work of TVW and of our LEG-TECH teams to make sure that all of our senators could be here to participate. So, thank you for that gentle and kind reminder and you haven't been so bad yourself Mr. President. So, thanks for helping us out too."

REMARKS BY THE PRESIDENT

President Heck: "High praise coming from you. The President would like to observe that later this evening I'll be making the comment and observation that what I had the privilege to observe in the last 105 days is both a model of democracy and a miracle of democracy. Credit is due to all 49 members of this Senate for making what seemed like a short 105 days ago an impossible task, and trust me, from where the President comes from, the way in which you have engaged one another and treated one another even when disagreeing is in fact a model of democracy. My hat is off to each and every one of you."

MOTION

At 5:23 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 5:53 p.m. by President Heck.

MOTION

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

MESSAGES FROM THE HOUSE

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091,
SUBSTITUTE HOUSE BILL NO. 1322,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 25, 2021

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

HCR 4403 by Representatives Sullivan and Kretz
Returning bills to their house of origin.

Advance to 2nd Reading Calendar.

HCR 4404 by Representatives Sullivan and Kretz
Adjourning SINE DIE.

Advance to 2nd Reading Calendar.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by
Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

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MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4403.

Senator Liias spoke in favor of adoption of the resolution.

HOUSE CONCURRENT RESOLUTION NO. 4403 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4404.

Senator Liias spoke in favor of adoption of the resolution.

HOUSE CONCURRENT RESOLUTION NO. 4404 having received a majority was adopted by voice vote.

MOTION

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

MOTION

On motion of Senator Liias and without objections, the following measures on the second and third reading calendars were returned to the Committee on Rules:

- SENATE BILL NO. 5147,
- SENATE BILL NO. 5264,
- SENATE BILL NO. 5444,

SENATE CONCURRENT RESOLUTION NO. 8403.

SIGNED BY THE PRESIDENT

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

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091,
and SUBSTITUTE HOUSE BILL NO. 1322.

MESSAGE FROM THE HOUSE

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the reading of the Journal for the 105th day of the 2021 Regular Session of the 67th Legislature was dispensed with and it was approved.

SIGNED BY THE PRESIDENT

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

HOUSE CONCURRENT RESOLUTION NO. 4403
HOUSE CONCURRENT RESOLUTION NO. 4404

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, I have been here a long time, maybe too long. But I just wanted to say that you have shown incredible respect for this institution, and the people that work around you with Brad Hendrickson, the Secretary of the Senate's office have done a wonderful job this year. You have shown particular stamina. I know how hard it is to stand at the rostrum for so long each day. Although you have a rubber mat under your feet, that should make you feel really comfy. But you've done a great job. You've shown nonpartisanship and above all Mr. President, you've shown a great sense of humor. So, enjoy your interim and thank you to everyone."

PERSONAL PRIVILEGE

Senator Saldaña: "Thank you Mr. President. I too want to commend you, our secretary, and all of the rostrum staff. I also rise to thank those who have not been as visible this year but again were essential to making this, making us be able to be responsive to our constituents, to the many advocates and lobbyists, and individuals who need to reach us, and that is our Legislative Assistants that serve, we each Senators have one legislative assistant assigned to us year round and this session we also many of us had session aides and thanks to the leadership of our F & O Committee and our Secretary we were also able to retain interns. And so while they were not in our physical offices many of us created virtual offices with Zoom or Teams and phone calls where our staff were staffing those offices so that we could in our breaks have meetings with individuals from our districts and from all the many people that are normally filling the halls of this institution and these beautiful buildings here in Olympia. So, I want to do a particular thank you to all our legislative assistants who turned their homes into offices, who spent hours and hours going through, I know my office had over 20,000 pieces of email. I am sure my colleagues had similar amounts and making sure that we could stay responsive and connected even while we're doing social distance. So, a special thank you to all of those public servants that served us so well this session."

SIGNED BY THE PRESIDENT

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092

April 25, 2021

MESSAGE FROM THE HOUSE

April 25, 2021

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

Under the provisions of HOUSE CONCURRENT
RESOLUTION NO. 4403, the following House Bills were
returned to the House of Representatives:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,
HOUSE BILL NO. 1030,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,
SUBSTITUTE HOUSE BILL NO. 1052,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,
SUBSTITUTE HOUSE BILL NO. 1074,
SECOND SUBSTITUTE HOUSE BILL NO. 1076,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099,
HOUSE BILL NO. 1105,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1117,
HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE BILL NO. 1124,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,
SECOND SUBSTITUTE HOUSE BILL NO. 1157,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1160,
SUBSTITUTE HOUSE BILL NO. 1162,
HOUSE BILL NO. 1165,
HOUSE BILL NO. 1172,
SECOND SUBSTITUTE HOUSE BILL NO. 1173,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1210,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1213,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1328,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,
SUBSTITUTE HOUSE BILL NO. 1330,
SUBSTITUTE HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1357,
SECOND SUBSTITUTE HOUSE BILL NO. 1359,
HOUSE BILL NO. 1376,
SUBSTITUTE HOUSE BILL NO. 1391,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
HOUSE BILL NO. 1430,
- ENGROSSED HOUSE BILL NO. 1453,
HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1492,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1510,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,
HOUSE BILL NO. 1546,

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4404,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 25, 2021

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT
RESOLUTION NO. 4403, the following Senate bills are returned
to the Senate:

- SUBSTITUTE SENATE BILL NO. 5004,
SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5035,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036,
SENATE BILL NO. 5043,
SECOND SUBSTITUTE SENATE BILL NO. 5045,
SENATE BILL NO. 5054,
SECOND SUBSTITUTE SENATE BILL NO. 5062,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5065,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5082,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5085,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
SUBSTITUTE SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5148,
SUBSTITUTE SENATE BILL NO. 5181,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5191,
SENATE BILL NO. 5196,
SENATE BILL NO. 5201,
SENATE BILL NO. 5202,
SUBSTITUTE SENATE BILL NO. 5210,
ENGROSSED SENATE BILL NO. 5232,
SECOND SUBSTITUTE SENATE BILL NO. 5241,
SENATE BILL NO. 5242,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
SUBSTITUTE SENATE BILL NO. 5262,
SECOND SUBSTITUTE SENATE BILL NO. 5265,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5288,
SENATE BILL NO. 5291,
SUBSTITUTE SENATE BILL NO. 5292,
SUBSTITUTE SENATE BILL NO. 5294,
SENATE BILL NO. 5300,
SENATE BILL NO. 5312,
SECOND SUBSTITUTE SENATE BILL NO. 5327,
ENGROSSED SENATE BILL NO. 5328,
SUBSTITUTE SENATE BILL NO. 5332,
SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5352,
SENATE BILL NO. 5354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5376,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5395,
SUBSTITUTE SENATE BILL NO. 5406,
SUBSTITUTE SENATE BILL NO. 5417,

ONE HUNDRED FIFTH DAY, APRIL 25, 2021

2021 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5441,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 25, 2021

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT
RESOLUTION NO. 4403, the following Senate bills are returned
to the Senate:

SENATE JOINT MEMORIAL NO. 8004,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

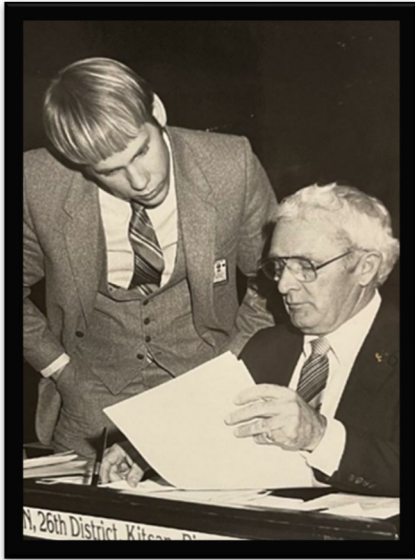
At 6:09 p.m., Sunday, April 25, 2021, on motion of Senator
Liias, the 2021 Regular Session of the Sixty-Seventh Legislature
adjourned SINE DIE.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

EDITOR’S NOTE: The Editor will take a moment of “Personal Privilege”. This is a break from journal tradition, but I feel that in this case it is warranted. During the interim, Secretary of the Senate Brad Hendrickson announced that he would retire at the end of the year. Since he announced in the interim, he avoided all the pomp and circumstance a gentleman of his stature would normally receive upon such an announcement, so I find it necessary to make mention of it here. Mr. Brad Hendrickson, also known in some circles as B-Rad, has been serving the Legislature in various positions for over forty years. He started off as a Senate Intern and finishes as the Secretary of the Senate. The sheer volume of experience is a resource that will be sorely missed by the Senate, the Legislature and the numerous other groups and agencies with which Brad interacted. Brad brought his own style to the office and gave his staff the room to grow, the space to shine, and the encouragement to reach higher. I will also note here, and I am positive that Brad would approve, that under his tenure as Secretary of the Senate the Legislature did not enter into a single special session. I along with the entirety of the Senate Administration Staff, would like to wish our boss, mentor, and friend, Brad Hendrickson a wonderful and enjoyable retirement. We will miss the positive can-do attitude you have always brought to the office, as well as the congeniality and camaraderie.

Best Wishes and Thank You.



SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

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2021 ROSTER OF SENATE MEMBERS

2947

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Billig, Andy	3	D	Spokane (P)	25 W Main Ave Suite 237 Spokane, WA 99201	1968 - NY	Baseball Executive	2011-2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013-
Carlyle, Reuven	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1965 -	Software Entrepreneur	2009-2015	Appt. 1/7/2016-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449				2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	OR	Retired, Labor Relations	Appt. 1/25/1993, 1994-2010	2011-
Darneille, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Senator	2001-2012	2013-
Das, Mona	47	D	King (P)	PO Box 40447 Olympia, WA 98504 - 0447				2019-
Dhingra, Manka	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445				Elected 11/29/2017-
Dozier, Perry	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416				
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fortunato, Phil	31	R	King (P), Pierce (P)	PO Box 2201 Auburn, WA 98071		Environmental Consultant	1999-2001	Appt. 1/7/2017-
Froct, David	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446		Attorney	2011	Appt. 11/14/2011-
Gildon, Chris	25	R	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425			2019-2020	
Hasegawa, Bob	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	WA	Operating Engineer	2005-2012	2013-
Hawkins, Brad	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412			2013-2016	2017-
Hobbs, Steve	44	D	Snohomish (P)	1002 Lundeen Park Way Lake Stevens, WA 98258	WA	LTC, WA National Guard		2007-
Holy, Jeff	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406		Attorney	2013-2018	2019-
Honeyford, Jim	15	R	Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	OR	Farmer/Retired Educator	1995-1998	1999-
Hunt, Sam	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1942 - MT	Senator	2001-2016	2017-

JOURNAL OF THE SENATE

2948

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 – IA	Ret. Communications Director	1996-2001	Appt. 12/10/2001-
King, Curtis	14	R	Clark (P), Klickitat, Skamania, Yakima (P)	414 N 2 nd St Yakima, WA 98901	1946 – WA	Former Business Owner		Appt. 11/29/2007-
Kuderer, Patty	48	D	King (P)	PO Box 40448 Olympia, WA 98504-0448	1958 – MN	Attorney	Appt. 9/28/2015, 2016	Appt. 1/5/2017-
Liias, Marko	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1981 – WA	Policy Analyst	2008-2014	Appt. 1/22/2014-
Lovelett, Liz	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440				Appt. 2/5/2019-
McCune, Jim	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1950 - WA	Copper River Salmon Distributor	Elected 11/19/1997, 1998, 2005-2012	
Mullet, Mark	5	D	King (P)	2550 NE Park Dr. #7 Issaquah, WA 98029	1972 – WA	Ben & Jerry's Owner		Appt. 11/30/2012-
Muzzall, Ron	10	R	Island, Skagit (P), Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	1963			Appt. 10/18/2019-
Nguyen, Joe	34	D	King (P)	PO Box 40434 Olympia, WA 09504-0434				2019-
Nobles, T'wina	28	D	Pierce (P)	PO Box 40428 Olympia, WA 09504-0428	1981			
Padden, Mike	4	R	Spokane (P)	408 N Mullan Rd Ste 106 Spokane Valley, WA 99206	1946 – OR	Attorney	1981-1995	Appt. 11/29/2011-
Pedersen, Jamie	43	D	King (P)	1200 12 th Ave S Ste 801 Seattle, WA 98144	1968-WA	Lawyer	2007-2013	Appt. 12/16/2013-
Randall, Emily	26	R	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426				2019-
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012-
Robinson, June	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 90504-0438	1959 - PA	Public Health Manager	Appt. 12/16/2013, 2014 - 2020	Appt. 5/14/2020-
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 98504-0423	1967 - NY	Senator	2007-2011	Appt. 7/26/2011-
Saldaña, Rebecca	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1977 – WA	Non-Profit Consultant		2017-
Salomon, Jesse	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432				2019-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 – WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 – WA	Tree Farmer	1991-1997	Elected 11/4/1997-

2021 ROSTER OF SENATE MEMBERS

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Short, Shelly	7	R	Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1962 – WA	Legislator	2009-2016	Appt. 2/1/2017-
Stanford, Derek	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401		Data Science	2011-2018	Appt. 7/1/2019-
Van De Wege, Kevin	24	D	Clallam, Grays Harbor (P), Jefferson	504 East 8 th Street Ste C Port Angeles, WA 98362	1974 – WA	Firefighter/Paramedic	2007-2016	2017-
Wagoner, Keith	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 90504-0439				Appt. 1/3/2018-
Warnick, Judy	13	R	Grant (P), Kittitas, Lincoln, Yakima (P)	326 S Cedar Street, Suite A Moses Lake, WA 98837	1950 – WA	Collection Agency	2007-2014	2015-
Wellman, Lisa	41	D	King (P)	14205 SE 36 th St Ste 310 Bellevue, WA 98006	NY	Business Consultant		2017-
Wilson, Claire	30	R	King (P), Pierce (P)	PO Box 40430 Olympia, WA 98504-0430				2019-
Wilson, Jeff	19	R	Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419				
Wilson, Lynda	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1958 - WA	Manufacturer	2015-2016	2017-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482		Secretary of the Senate	Dep. Sec of Sen 1998-2002 2004-2014	2017-
Bannister, Sarah				PO Box 40482 Olympia, WA 98504-0482		Deputy Secretary of the Senate		2017-

Membership of
Senate Standing Committees

2021

Agriculture, Water, Natural Resources & Parks (7) -- Van De Wege, Chair; Salomon, Vice Chair; *Warnick; Honeyford; Rolfes; Short; Stanford

Behavioral Health Subcommittee to Health & Long Term Care (5) -- Dhingra, Chair; *Wagoner; Frockt; Nobles; Warnick

Business, Financial Services & Trade (7) -- Mullet, Chair; Hasegawa, Vice Chair; *Dozier; Brown; Frockt; Hobbs; Wilson, L.

Early Learning & K-12 Education (9) -- Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; *Hawkins; Dozier; Hunt; McCune; Mullet; Pedersen

Environment, Energy & Technology (13) -- Carlyle, Chair; Lovelett, Vice Chair; *Erickson; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford; Wellman

Health & Long Term Care (12) -- Cleveland, Chair; Frockt, Vice Chair; *Muzzall; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege; Wilson, J.

Higher Education & Workforce Development (5) -- Randall, Chair; Nobles, Vice Chair; *Holy; Erickson; Liias

Housing & Local Government (9) -- Kuderer, Chair; Das, Vice Chair; *Fortunato; **Gildon; **Short; Cleveland; Lovelett; Salomon; Warnick

Human Services, Reentry & Rehabilitation (7) -- Darneille, Chair; Nguyen, Vice Chair; *Gildon; Dozier; McCune; Saldaña; Wilson, C.

Labor, Commerce & Tribal Affairs (9) -- Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; *King; Braun; Honeyford; Robinson; Saldaña; Schoesler

Law & Justice (9) -- Pedersen, Chair; Dhingra, Vice Chair; *Padden; **McCune; Darneille; Holy; Kuderer; Salomon; Wagoner

Rules (17) -- Heck, Chair; Keiser, Vice Chair; *Braun; Billig; Carlyle; Cleveland; Gildon; Hasegawa; King; Kuderer; Liias; Muzzall; Nguyen; Pedersen; Rivers; Short; Wilson, C.

State Government & Elections (5) -- Hunt, Chair; Kuderer, Vice Chair; *Wilson, J.; Hasegawa; Hawkins

Transportation (15) -- Hobbs, Chair; Saldaña, Vice Chair; *King; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C.; Wilson, J.

Ways & Means (25) -- Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; *Wilson, L.; *Brown; ****Honeyford; *****Schoesler; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick; Wellman**

* Ranking Member

** Asst. Ranking Member

*** Asst. Ranking Member, Operating

**** Asst. Ranking Member, Capital

***** Asst. Ranking Member, Environment

***** Asst. Ranking Member, Energy & Technology

The Lt. Governor is a voting member of the Rules Committee.

Senate Standing Committees
Membership Assignments

2021

Billig, Andy	Rules
Braun, John	*Rules; Labor, Commerce & Tribal Affairs; Ways & Means
Brown, Sharon	**Ways & Means; Business, Financial Services & Trade; Environment, Energy & Technology
Carlyle, Reuven	Environment, Energy & Technology, Chair; Rules; Ways & Means
Cleveland, Annette	Health & Long Term Care, Chair; Housing & Local Government; Rules; Transportation
Conway, Steve	Labor, Commerce & Tribal Affairs, Vice Chair, Labor; Health & Long Term Care; Ways & Means
Darneille, Jeannie	Human Services, Reentry & Rehabilitation, Chair; Law & Justice; Ways & Means
Das, Mona	Housing & Local Government, Vice Chair; Environment, Energy & Technology; Transportation
Dhingra, Manka	Behavioral Health Subcommittee to Health & Long Term Care, Chair; Law & Justice, Vice Chair; Ways & Means
Dozier, Perry	*Business, Financial Services & Trade; Early Learning & K-12 Education; Human Services, Reentry & Rehabilitation
Ericksen, Doug	*Environment, Energy & Technology; Higher Education & Workforce Development
Fortunato, Phil	*Housing & Local Government; Environment, Energy & Technology; Transportation
Frocht, David	Health & Long Term Care, Vice Chair; Ways & Means, Vice Chair, Capital; Behavioral Health Subcommittee to Health & Long Term Care; Business, Financial Services & Trade
Gildon, Chris	*Human Services, Reentry & Rehabilitation; **Housing & Local Government; Rules; Ways & Means
Hasegawa, Bob	Business, Financial Services & Trade, Vice Chair; Rules; State Government & Elections; Ways & Means
Hawkins, Brad	*Early Learning & K-12 Education; State Government & Elections; Transportation
Hobbs, Steve	Transportation, Chair; Business, Financial Services & Trade; Environment, Energy & Technology
Holy, Jeff	*Higher Education & Workforce Development; Health & Long Term Care; Law & Justice
Honeyford, Jim	**Ways & Means; Agriculture, Water, Natural Resources & Parks; Labor, Commerce & Tribal Affairs
Hunt, Sam	State Government & Elections, Chair; Early Learning & K-12 Education; Ways & Means
Keiser, Karen	Labor, Commerce & Tribal Affairs, Chair; Rules, Vice Chair; Health & Long Term Care; Ways & Means
King, Curtis	*Labor, Commerce & Tribal Affairs; *Transportation; Rules
Kuderer, Patty	Housing & Local Government, Chair; State Government & Elections, Vice Chair; Law & Justice; Rules
Liias, Marko	Environment, Energy & Technology; Higher Education & Workforce Development; Rules; Ways & Means
Lovelett, Liz	Environment, Energy & Technology, Vice Chair; Housing & Local Government; Transportation
McCune, Jim	**Law & Justice; Early Learning & K-12 Education; Human Services, Reentry & Rehabilitation
Mullet, Mark	Business, Financial Services & Trade, Chair; Early Learning & K-12 Education; Ways & Means
Muzzall, Ron	*Health & Long Term Care; Rules; Ways & Means
Nguyen, Joe	Human Services, Reentry & Rehabilitation, Vice Chair; Environment, Energy & Technology; Rules; Transportation

Nobles, T'wina	Higher Education & Workforce Development, Vice Chair; Early Learning & K-12 Education, Vice Chair, K-12; Behavioral Health Subcommittee to Health & Long Term Care; Transportation
Padden, Mike	*Law & Justice; Health & Long Term Care; Transportation
Pedersen, Jamie	Law & Justice, Chair; Early Learning & K-12 Education; Rules; Ways & Means
Randall, Emily	Higher Education & Workforce Development, Chair; Health & Long Term Care; Transportation
Rivers, Ann	Health & Long Term Care; Rules; Ways & Means
Robinson, June	Ways & Means, Vice Chair, Operating & Revenue; Health & Long Term Care; Labor, Commerce & Tribal Affairs
Rolfes, Christine	Ways & Means, Chair; Agriculture, Water, Natural Resources & Parks
Saldaña, Rebecca	Transportation, Vice Chair; Human Services, Reentry & Rehabilitation; Labor, Commerce & Tribal Affairs
Salomon, Jesse	Agriculture, Water, Natural Resources & Parks, Vice Chair; Housing & Local Government; Law & Justice
Schoesler, Mark	**Ways & Means; Labor, Commerce & Tribal Affairs
Sheldon, Tim	Environment, Energy & Technology; Transportation
Short, Shelly	**Housing & Local Government; Agriculture, Water, Natural Resources & Parks; Environment, Energy & Technology; Rules
Stanford, Derek	Labor, Commerce & Tribal Affairs, Vice Chair, Commerce & Tribal Affairs; Agriculture, Water, Natural Resources & Parks; Environment, Energy & Technology
Van De Wege, Kevin	Agriculture, Water, Natural Resources & Parks, Chair; Health & Long Term Care; Ways & Means
Wagoner, Keith	*Behavioral Health Subcommittee to Health & Long Term Care; Law & Justice; Ways & Means
Warnick, Judy	*Agriculture, Water, Natural Resources & Parks; Behavioral Health Subcommittee to Health & Long Term Care; Housing & Local Government; Ways & Means
Wellman, Lisa	Early Learning & K-12 Education, Chair; Environment, Energy & Technology; Ways & Means
Wilson, Claire	Early Learning & K-12 Education, Vice Chair, Early Learning; Human Services, Reentry & Rehabilitation; Rules; Transportation
Wilson, Jeff	*State Government & Elections; Health & Long Term Care; Transportation
Wilson, Lynda	*Ways & Means; Business, Financial Services & Trade

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee

SENATE ADMINISTRATION

Hendrickson, Brad	Secretary of the Senate
Bannister, Sarah	Deputy Secretary of the Senate
Cantore, Victoria	Sr. Senate Counsel
Gorrell, Jeannie	Sr. Senate Counsel
Bell, Daisey	Public Records Analyst
Bell, Laura	Sr. Office Coordinator
Gay, Diane	Payroll Analyst 2
Hellberg, Alison	Human Resource Officer
Kochaniewicz, Sean	Rostrum Operations Clerk
Melchiori, Aldo	Workroom Clerk
O'Leary, Breann	Workroom Clerk
Stratton, Randi	Public Records Officer
Thai, Tessica	Staff Coordinator
Wulff, Derrick	Human Resource Consultant II
Yunker Carlson, Brittany	Sr. Workroom Clerk

SENATE CIVIC EDUCATION STAFF

Rust, Colleen	Civic Education Director
Lindstrom, Louis	Asst. Civic Education/ Intern Coordinator

SENATORS PERSONAL STAFF

Anderson, Haylee	Legislative Assistant	Senator Rolfes
Armstrong, Kate	Assoc. Legislative Assistant	Senator Robinson
Arndt, Meagan	Sr. Legislative Assistant	Senator Hunt
Baker, Nina	Session Aide	Senator Schoesler
Banuelos, Cynthia	Legislative Assistant	Senator Warnick
Barnecut, Emilia	Legislative Assistant	Senator C. Wilson
Berghaus, Kylie	Session Aide	Senator Rivers
Bohler, Alexander	Sr. Legislative Assistant	Senator Fortunato
Bryant, Jessica	Session Aide	Senator Frockt
Burgher, Noah	Legislative Assistant	Senator Wellman
Burnley, Beverly	Session Aide	Senator Sheldon
Cardamenis, Stephen	Legislative Assistant	Senator Stanford
Carrasquero, Danielle	Assoc. Legislative Assistant	Senator Nobles
Chang, Coco	Legislative Assistant	Senator Saldaña
Chang, Jenny	Executive Assistant	Senator Hasegawa
Chindavongsa, Crystal	Legislative Assistant	Senator Frockt
Cohen, Danielle	Session Aide	Senator Wellman
Connolly, Noelle	Executive Assistant	Senator Billig
Cooper, Suzette	Sr. Legislative Assistant	Senator Sheldon
Daniels-Brown, Kale	Session Aide	Senator Muzzall
Dasch, Ann	Session Aide	Senator Darneille

Day, Adam	Sr. Legislative Assistant	Senator Mullet
De La Cruz, Alondra	Session Aide	Senator Saldaña
Eichelberger, Amanda	Session Aide	Senator Hasegawa
Elder, John	Sr. Legislative Assistant	Senator Salomon
Elliott, Rachel Jo	Legislative Assistant	Senator Gildon
Finley, Sharra	Sr. Legislative Assistant	Senator Wagoner
Fisch, Lisa	Sr. Legislative Assistant	Senator Darneille
Fredell, Max	Session Aide	Senator Keiser
Frolich, Matthew	Session Aide	Senator L. Wilson
Gordon, Kevin	Legislative Assistant	Senator Cleveland
Greening, Jesse	Session Aide	Senator Honeyford
Greninger, Emily	Assoc. Legislative Assistant	Senator Brown
Guijosa, Linda	Session Aide	Senator Randall
Hardtke, Amber	Sr. Legislative Assistant	Senator L. Wilson
Hasz, Josalun	Executive Assistant	Senator Rivers
Hebner, Felicia	Session Aide	Senator Padden
Hemmen, Eric	Legislative Assistant	Senator Muzzall
Hendrickson, Sam	Legislative Assistant	Senator Pedersen
Jackson, Ashley	Legislative Assistant	Senator Dhingra
Jourdan, John	Assoc. Legislative Assistant	Senator Padden
Jung, Kyle	Session Aide	Senator Van De Wege
Kelsall, Rowan	Session Aide	Senator Nobles
Knapp, Jeremy	Session Aide	Senator Liias
Kohlwes, Curt	Executive Assistant	Senator Liias
Kronen, Jordan	Legislative Assistant	Senator Lovelett
Kukhar, Katrina	Session Aide	Senator Ericksen
Lannan, Jill	Session Aide	Senator Wagoner
Laue, Sean	Session Aide	Senator Hunt
Lavoy, Tanya	Legislative Assistant	Senator Kuderer
Leavell, Ethan	Session Aide	Senator Kuderer
Lelli, Kimberlie	Sr. Legislative Assistant	Senator Conway
Lujan, Misha	Legislative Assistant	Senator Hobbs
Lund, Jami	Sr. Legislative Assistant	Senator J. Wilson
Lutomski, Nicole	Legislative Assistant	Senator Nguyen
May, Jeri	Sr. Legislative Assistant	Senator Braun
McClure, Alyssa	Session Aide	Senator Cleveland
McCrea, Kevin	Session Aide	Senator Lovelett
McNair, Christina	Assoc. Legislative Assistant	Senator Warnick
McWain, Penelope	Sr. Legislative Assistant	Senator Honeyford
Mendez, Erica	Session Aide	Senator Stanford
Minich, Jennifer	Legislative Assistant	Senator Keiser
Myers, Sarah	Legislative Assistant	Senator Randall
Owens, Linda	Sr. Executive Assistant	Senator Rolfes
Parr, LianHua	Session Aide	Senator Carlyle
Peck, Joshua	Legislative Assistant	Senator Carlyle
Peterson, Ruth	Executive Assistant	Senator Braun
Phelps, Justus	Legislative Assistant	Senator Hawkins
Rasavage, William	Sr. Legislative Assistant	Senator Holy
Rockey, Morgan	Assoc. Legislative Assistant	Senator Billig
Ruff, Sandy	Sr. Legislative Assistant	Senator Ericksen
Saetern, Chio	Sr. Legislative Assistant	Senator Das

Sanné, Tiffani	Sr. Legislative Assistant	Senator Dozier
Saunders, Daniel	Session Aide	Senator Salomon
Schatz, Draven	Session Aide	Senator Fortunato
Seddon, Alex	Session Aide	Senator Mullet
Smith, Matthew	Assoc. Legislative Assistant	Senator McCune
Smith, Tawnya	Sr. Legislative Assistant	Senator King
Smolen Fort, Jennifer	Executive Assistant	Senator Hobbs
Sorensen, Skyla	Session Aide	Senator Robinson
Sprague, Anthony	Session Aide	Senator Hawkins
Steelquist, Peter	Sr. Legislative Assistant	Senator Van De Wege
Suttle, Darci	Sr. Legislative Assistant	Senator Conway
Swenson, Jan	Sr. Legislative Assistant	Senator Holy
Thom, Jessica	Session Aide	Senator Dhingra
Thomas Christopher	Session Aide	Senator Pedersen
Torjusen, Emily	Session Aide	Senator J. Wilson
Walund, Sage	Session Aide	Senator C. Wilson
Weber, Nichole	Session Aide	Senator Brown
Weston, Tammy	Session Aide	Senator Short
Whitmore, Shannon	Executive Assistant	Senator Short
Willett, Andrew	Session Aide	Senator Gildon
Winters, Krista	Sr. Executive Assistant	Senator Schoesler
Yodkerepauprai, K'gnausa	Session Aide	Senator Nguyen

SENATE COMMITTEE SERVICES

	Gavigan, Curt	Sr. Staff Director	
	Johnson, Kimberly	Deputy Director	
Alishahi, Michele	Fiscal Analyst II	Mendiola, Alison	Staff Coord/Counsel
Attanasio, Greg	Staff Coord/Counsel	Merrick, LeighBeth	Research Analyst II
Bauer, Shani	Sr. Staff Counsel	Mitchell, Jeffrey	Fiscal Coordinator
Bezanson, Michael	Sr. Staff Coordinator	Montenegro-Ramirez,	Committee Assistant
Black, Kevin	Staff Coord/Counsel	Ashley	
Bramlet, Erica	Fiscal Analyst II	Moore, Bryon	Sr. Fiscal Analyst
Brown, Samuel	Staff Coord/Counsel	Murray, Julie	Sr. Budget Counsel
Burke-Cain, Melissa	Sr. Staff Counsel	Murray, Sean	Session Technical Asst.
Carlson, Caleb	Committee Assistant	Naas, Jeffrey	Sr. Fiscal Analyst
Cecil, Amanda	Sr. Fiscal Analyst	Nemeth, Corban	Fiscal Analyst I
Cho, Mary	Committee Assistant	O'Connell, Kevan	Bill Report Assistant
Crinzi, Ricci	Session Counsel	Odano, Jan	Sr. Research Analyst
Cushing, Kimberly	Sr. Staff Coordinator	Olsen, Jeff	Sr. Research Analyst
Daley, Sierra	Committee Assistant	Omdal, Benjamin	Staff Counsel I
Densley, Maria	Bill Report Assistant	Parr, Matthew	Committee Assistant
Emmans, Sarah	Sr. Fiscal Analyst	Popovac, Brandon	Staff Coord/Counsel
Epps, Karen	Sr. Staff Coordinator	Powelson, Noah	Committee Assistant
Fairfortune, Alexandra	Sr. Staff Counsel	Press, Trevor	Assoc. Fiscal Analyst
Ford, Tim	Staff Coord/Counsel	Price, Brenna	Committee Assistant
Fujisawa, Yukimi	Committee Assistant	Ramsey, Richard	Fiscal Coordinator
Fung, Kelsey-anne	Staff Counsel II	Rexus, Stephanie	Session Technical Asst.
Gamble, Hayley	Fiscal Coordinator	Riffer, Alison	Sr. Committee Assistant
Garza, Maria	Committee Assistant	Ryan, Alan	Session Technical Asst.
Gilster, Liliana	Committee Assistant	Sacks, Jarret	Staff Counsel II
Gooding, Lara	Committee Assistant	Scott, Sarjan	Sr. Fiscal Analyst
Gunn, Kellee	Research Analyst II	Shepard-Koningsor,	Associate Staff Counsel
Hammer, Kayla	Fiscal Analyst I	Matt	
Herman, Jed	Sr. Fiscal Analyst	Simpson, Kelly	Sr. Staff Coordinator
Hovde, Maria	Sr. Fiscal Analyst	Stith, Sandy	Sr. Fiscal Analyst
Jamie, Sandy	Office Manager	Sullivan, Samantha	Committee Assistant
Jones, Susan	Staff Coord/Counsel	Tietjen, Dana	Committee Assistant
Kato, Ailey	Staff Coord/Counsel	Tran, Julie	Assoc. Research Analyst
Kennedy, Alia	Staff Counsel II	t'Sas, Ries	Committee Assistant
Kennedy, Ariel	System Analyst	Tudor, Megan	Committee Assistant
Kettel, James	Fiscal Coordinator	Van Gorkam, Melissa	Research Analyst II
Kim, Bonnie	Sr. Staff Counsel	Vasilevskaya, Viktoria	Committee Assistant
Kinne-Clawson, Alicia	Staff Coord/Analyst	Vogel, Gregory	Staff Counsel I
Kleis, Angela	Research Analyst II	Weeks, Liza	Committee Assistant
Kynaston, Zachary	Session Technical Asst.	White, Taylor	Session Technical Asst.
Masterson, Daniel	Fiscal Analyst II	Yasay, Rhaisel	Committee Assistant
McCarthy, Clinton	Staff Coord/Analyst	Zylstra, Matthew	Committee Assistant
McGuire, Vikki	Bill Report Coordinator		

DEMOCRATIC CAUCUS STAFF

Avalos, Paulette	Chief of Staff
Lewis-Lechner, Heather	Leadership Counsel
Florez, Crystal	Legislative Assistant Liaison

REPUBLICAN CAUCUS STAFF

Troyer, James	Chief of Staff
Lubchuk, Shelby	Legislative Assistant
Martin, James	Sr. Legislative Assistant
Vance, Ryan	Session Aide

POLICY

Clifthorne, Sarah	Policy Director
Althausser, Michael	Sr. Policy Counsel
Bridges, Matt	Sr. Fiscal Analyst
Ellis, Steven	Policy Counsel
Hall, Adam	Sr. Policy Counsel
Junejo, Samir	Policy Counsel
Lewis-Lechner, Heather	Sr. Policy Counsel
Mahgoub, Noha	Policy Analyst
McCarty, Hannah	Sr. Policy Counsel
Wilburn, Gary	Sr. Policy Counsel

POLICY

Lawrence, Kathleen	Sr. Policy Coordinator
Moore, Ryan	Fiscal Coordinator
Himebaugh, Daniel	Sr. Leadership Counsel
Campos, Paul	Staff Coordinator
Crandall, James	Sr. Staff Counsel
Fei, Min	Research Analyst II
Long, Cameron	Sr. Staff Counsel
Presley, Martin	Staff Counsel I
Richartz, Sandra	Staff Counsel I
Shakotko, Veronica	Sr. Staff Counsel
Tremble, Matthew	Staff Counsel II

COMMUNICATIONS

Wasser, Aaron	Communications Director
West, Chris	Dep. Comm. Director
Chhabra, Simrun	Comm. Specialist
Fockele, Kenneth	Comm. Specialist
Herrera, Nicole	Comm. Specialist
James, Courtney	Comm. Specialist
Manugian, Richard	Sr. Comm. Specialist
Sabio-Howell, Hannah	Comm. Specialist

COMMUNICATIONS

Wirtz, Kimberly	Communications Director
Stallworth, Booker	Dep. Comm. Director
Campbell, Eric	Sr. Information Officer
Ellis, Tracy	Information Officer
Espinoza, Laudan	Sr. Information Officer
Gullion, Tricia	Information Officer
Smith, Erik	Sr. Information Officer
Zylstra, Brian	Sr. Information Officer

OFFICE OF SENATE SECURITY

Staubitz, Andy	Security Director
Watson, Les	Deputy Security Director
Brickey, Christina	Sr. Legislative Assistant
Day, Gary	Asst. Sergeant at Arms
Hamill, James	Asst. Sergeant at Arms

SECURITY STAFF

Bierer, William	Asst. Sergeant at Arms	Jorgensen, Gerald	Security Staff
Hamre, Juanita	Asst. Sergeant at Arms	Kelly, Jim	Security Staff
Humbock, Gary	Asst. Sergeant at Arms	Millett, James	Security Staff
McGrady, Larry	Asst. Sergeant at Arms	Neuman, Dan	Security Staff
Selleg, Bruce	Asst. Sergeant at Arms	Patstone, Dave	Security Staff
Boede, Christina	Security Staff	Peterson, Gregg	Security Staff
Bowen, Cathryn	Security Staff	Pike, Gerald	Security Staff
Dees, Larry	Security Staff	Rankin, Thurman	Security Staff
Duffy, Craig	Security Staff	Sheehan, Julia	Security Staff
Dugal, Victor	Security Staff	Van Mieghem, William	Security Staff
Edwards, Dwight	Security Staff	Vukich, Joe	Security Staff
Hallom, Norris	Security Staff		
Janda, Peter	Security Staff		

LEGISLATIVE AGENCIES

OFFICE OF THE STATE ACTUARY (OSA)	WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY (WSIPP)
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC)	LEGISLATIVE SUPPORT SERVICES (LSS)
OFFICE OF THE CODE REVISER/STATUTE LAW COMMITTEE (SLC)	JOINT LEGISLATIVE SYSTEMS COMMITTEE (JLSC)
LEGISLATIVE ETHICS BOARD (LEB)	JOINT TRANSPORTATION COMMITTEE (JTC)
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE (LEAP)	

The Washington State Legislative Internship Program is an academic internship for college students from around Washington State. Interns are assigned to Senate offices and are mentored by members and staff as they conduct research, track legislation, and work with constituents. In addition to building professional experience through their office work, interns earn academic credit and take part in seminars and workshops with state policymakers to gain a first-hand understanding of the legislative process.

The 37 Senate interns in 2021 represented 13 college campuses, a wide range of majors, and communities all over Washington.

Colleen Rust, Civic Education Director
Louis Lindstrom, Assistant Intern Coordinator

2021 Washington State Senate Interns

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Al-Rikabi, Fatima	Senator Dhingra	University of Washington – Seattle
Berghaus, Kylie	Senator Rivers	Washington State University – Vancouver
Brashear, Gail	Senator Darneille	The Evergreen State College – Olympia
Chhay, Trinity	Senator Hasegawa	University of Washington – Seattle
Cruz, Rycki	Senator Saldaña	Seattle Pacific University
Dennerlein, Teresa	Senator Brown	University of Washington – Tacoma
Dini, Lucas	Senator Braun	University of Washington – Tacoma
Fritz, Chase	Senator Van De Wege	The Evergreen State College – Olympia
Gebre, Banna	Senator Frockt	Saint Martin’s University
Green, Thomas	Secretary of the Senate	Washington State University – Pullman
Haindfield, Lydia	Senator Mullet	Western Washington University
Hall, Dana	Senator Cleveland	University of Washington – Seattle
Hapgood, Lauren	Senator Gildon	University of Washington – Seattle
Henry, Clare	Senator Keiser	Northern Arizona University
Huerta, Alexis	Senator Pedersen	University of Washington – Seattle
Hunt, Josephine	Senator Kuderer	University of Washington – Seattle
Lavery, Jacob	Senator Wilson, J.	University of Washington – Bothell
Lembke, Mykhail	Democratic Caucus	University of Washington – Seattle
Lynch, Gwyneth	Senator Carlyle	Stanford University
McGuigan, Ella	Senator Wilson, C.	Central Washington University - Ellensburg
Morgan, Navon	Senator Nguyen	University of Washington – Seattle
Murphy, Rory	Lieutenant Governor Heck	University of Washington – Seattle
Navarro, Estela	Senator Hawkins	Washington State University - Pullman
Negomir, Eric	Senator Stanford	Western Washington University
O’Brien, Carmela	Senator Wellman	Washington State University – Vancouver
Paredes Strong, Michelle	Senator Lovelett	Washington State University - Pullman
Rao, Alaka	Senator Hobbs	University of Washington – Seattle
Rose, Davin	Senator Das	Western Washington University
Stimson, Thomas	Senator McCune	Washington State University – Vancouver

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Taylor, Bethany	Senator Padden	Western Washington University
Thumborg, Chelsea	Senator Randall	Washington State University – Pullman
Ugrin, Michael	Senator Liias	University of Washington – Bothell
Van de Kamp, Maxwell	Senator Hunt	University of Washington – Seattle
Verville, Taylor	Senator Nobles	University of Washington – Bothell
Warren, Tiana	Senator Conway	University of Washington – Tacoma
White, Bailey	Senator Billig	Gonzaga University
Yuen-Schat, Naomi	Democratic Caucus	University of Washington – Seattle

MESSAGE FROM THE GOVERNOR

March 01, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 28, 2021, Governor Inslee approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 5272

Relating to temporarily waiving certain liquor and cannabis board annual licensing fees.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 07, 2021

To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 7, 2021, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5021

Relating to the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

Substitute Senate Bill No. 5055

Relating to establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

Senate Bill No. 5058

Relating to making technical changes to certain natural resources-related accounts.

Senate Bill No. 5077

Relating to providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company.

Substitute Senate Bill No. 5179

Relating to blood donation.

Senate Bill No. 5198

Relating to personnel restrictions on ambulances in rural areas.

Senate Bill No. 5322

Relating to prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs.

Senate Bill No. 5338

Relating to fire protection districts and education.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 14, 2021

To the Honorable President and Members,

The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 14, 2021, Governor Inslee approved the following Senate Bill entitled:

Substitute Senate Bill No. 5267

Relating to requiring electrical licensing for electrical work associated with flipping property.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 16, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 16, 2021, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5005

Relating to business corporations.

Senate Bill No. 5015

Relating to fraudulent portrayal of ballot drop boxes.

Senate Bill No. 5016

Relating to tracked and wheeled all-terrain vehicles.

Senate Bill No. 5018

Relating to acupuncture and Eastern medicine.

Engrossed Senate Bill No. 5026

Relating to moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment.

Senate Bill No. 5046

Relating to workers' compensation claim resolution settlement agreements.

Substitute Senate Bill No. 5068

Relating to improving maternal health outcomes by extending coverage during the postpartum period.

Senate Bill No. 5106

Relating to municipal access to local financial services.

Senate Bill No. 5131

Relating to county clerks duties related to recall petitions.

Substitute Senate Bill No. 5152

Relating to enhancing data stewardship and privacy protections for vehicle and driver data by clarifying the allowable uses of personal or identity information, prescribing penalties for data misuse, and codifying existing data contract practices.

Substitute Senate Bill No. 5169

Relating to provider reimbursement for personal protective equipment during the state of emergency related to COVID-19.

Senate Bill No. 5184

Relating to establishing a building point of contact in all K-12 public schools for students in foster care.

Substitute Senate Bill No. 5228

Relating to addressing disproportionate health outcomes by building a foundation of equity in medical training.

Engrossed Substitute Senate Bill No. 5284

Relating to eliminating subminimum wage certificates for persons with disabilities.

Senate Bill No. 5296

Relating to the definition of index for the Washington state patrol retirement system.

Senate Bill No. 5303

Relating to exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

Substitute Senate Bill No. 5325

Relating to telemedicine.

Senate Bill No. 5347

Relating to member voting methods.

Engrossed Substitute Senate Bill No. 5355

Relating to establishing wage liens.

Engrossed Senate Bill No. 5356

Relating to prime contractor bidding submission requirements on public works contracts.

Engrossed Senate Bill No. 5372

Relating to a hemp processor registration process.

Substitute Senate Bill No. 5384

Relating to volunteer firefighters.

Senate Bill No. 5385

Relating to the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport.

Substitute Senate Bill No. 5425

Relating to extended benefits in the unemployment insurance system.

Senate Bill No. 5431

Relating to creating the Rosa Franklin legislative internship program scholarship.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 22, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 2021, Governor Inslee approved the following Senate Bill entitled:

Engrossed Second Substitute Senate Bill No. 5160

Relating to addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 26, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 26, 2021, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5019

Relating to the recording standards commission.

Senate Bill No. 5048

Relating to reinsurance agreements.

Engrossed Substitute Senate Bill No. 5119

Relating to individuals in custody.

Senate Bill No. 5132

Relating to trusts and estates.

Engrossed Senate Bill No. 5164

Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction.

Senate Bill No. 5177

Relating to eliminating proof of nonmarriage as an element of a sex offense.

Engrossed Senate Bill No. 5220

Relating to the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants.

Substitute Senate Bill No. 5249

Relating to supporting mastery-based learning.

Engrossed Substitute Senate Bill No. 5251

Relating to modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies.

Substitute Senate Bill No. 5254

Relating to the use of protective devices and equipment during a public health emergency.

Substitute Senate Bill No. 5401

Relating to degrees in computer science.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 03, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 3, 2021, Governor Inslee approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5000

Relating to hydrogen fuel cell electric vehicles.

Substitute Senate Bill No. 5003

Relating to enacting the living donor act.

Substitute Senate Bill No. 5013

Relating to local redistricting deadlines.

Substitute Senate Bill No. 5030

Relating to developing comprehensive school counseling programs.

Senate Bill No. 5031

Relating to a community aviation revitalization loan program.

Substitute Senate Bill No. 5034

Relating to nonprofit corporations.

Senate Bill No. 5063

Relating to the expiration date of the invasive species council.

Substitute Senate Bill No. 5080

Relating to providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming.

Senate Bill No. 5124

Relating to the practice of colon hydrotherapy.

Senate Bill No. 5133

Relating to the definition of confidential employee for the purposes of state collective bargaining.

Senate Bill No. 5145

Relating to the prevention of seabed mining of hard minerals.

Senate Bill No. 5146

Relating to authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

Engrossed Senate Bill No. 5158

Relating to utility wildland fire prevention advisory committee.

Senate Bill No. 5159

Relating to payments in lieu of real property taxes by the department of fish and wildlife.

Substitute Senate Bill No. 5230

Relating to agreements for allocation of groundwater resulting from bureau of reclamation project operations.

Substitute Senate Bill No. 5258

Relating to consumer directed employers.

Engrossed Second Substitute Senate Bill No. 5287

Relating to affordable housing incentives.

Engrossed Substitute Senate Bill No. 5295

Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making.

Senate Bill No. 5367

Relating to directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030.

Substitute Senate Bill No. 5403

Relating to the interagency, multijurisdictional system improvement team.

Engrossed Substitute Senate Bill No. 5452

Relating to electric-assisted bicycles.

Engrossed Senate Bill No. 5454

Relating to providing property tax relief to Washington citizens who lost their homes in the labor day fires.

Substitute Senate Bill No. 5460

Relating to implementing recommendations of the autonomous vehicle work group.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 04, 2021

To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 4, 2021, Governor Inslee approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 5096

Relating to enacting an excise tax on gains from the sale or exchange of certain capital assets.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 05, 2021

To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 2021, Governor Inslee approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 5044

Relating to equity, cultural competency, and dismantling institutional racism in the public school system.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 07, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2021, Governor Inslee approved the following Senate Bill entitled:

Engrossed Second Substitute Senate Bill No. 5237

Relating to expanding accessible, affordable child care and early childhood development programs.

Sincerely,
/s/
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 10, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 10, 2021, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5008

Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.

Substitute Senate Bill No. 5011

Relating to notice, meeting, and voting provisions for common interest communities, condominiums, and homeowners' associations.

Substitute Senate Bill No. 5025

Relating to the consumer protection improvement act.

Senate Bill No. 5027

Relating to closed captioning on televisions in places of public accommodation.

Senate Bill No. 5032

Relating to the reauthorization and improvements to alternative public works contracting procedures.

Senate Bill No. 5040

Relating to enhancing litter control along state highways.

Engrossed Substitute Senate Bill No. 5097

Relating to expanding coverage of the paid family and medical leave program.

Senate Bill No. 5101

Relating to establishing tribal representation on the emergency management council.

Engrossed Second Substitute Senate Bill No. 5128

Relating to student transportation funding during a local, state, or national emergency.

Substitute Senate Bill No. 5140

Relating to protecting pregnancy and miscarriage-related patient care.

Engrossed Second Substitute Senate Bill No. 5163

Relating to the placement and treatment of conditionally released sexually violent predators.

Engrossed Substitute Senate Bill No. 5180

Relating to vacating certain convictions.

Second Substitute Senate Bill No. 5192

Relating to supporting access to electric vehicle supply equipment.

Second Substitute Senate Bill No. 5214

Relating to economic assistance programs.

Engrossed Substitute Senate Bill No. 5226

Relating to the suspension of licenses for traffic infractions.

Substitute Senate Bill No. 5271

Relating to amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic.

Second Substitute Senate Bill No. 5293

Relating to mental health sentencing alternatives.

Engrossed Second Substitute Senate Bill No. 5304

Relating to providing reentry services to persons releasing from state and local institutions.

Substitute Senate Bill No. 5317

Relating to pesticide registration and pesticide licensing fees.

Second Substitute Senate Bill No. 5362

Relating to ensuring the funding of agricultural fairs.

Engrossed Second Substitute Senate Bill No. 5377

Relating to increasing affordability of standardized plans on the individual market.

Substitute Senate Bill No. 5423

Relating to telemedicine consultations.

Senate Bill No. 5430

Relating to tuition unit pricing in the advanced college tuition payment program.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 12, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 11, 2021, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5115

Relating to establishing health emergency labor standards.

Engrossed Substitute Senate Bill No. 5172

Relating to the retroactivity of overtime claims in exceptional cases.

Engrossed Substitute Senate Bill No. 5190

Relating to providing health care workers with presumptive benefits during a public health emergency.

Second Substitute Senate Bill No. 5396

Relating to expanding the sales and use tax exemption for farmworker housing.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 12, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 12, 2021, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5009

Relating to the uniform public expression protection act.

Engrossed Substitute Senate Bill No. 5024

Relating to reducing barriers to condominium construction.

Engrossed Substitute Senate Bill No. 5038

Relating to prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

Engrossed Second Substitute Senate Bill No. 5052

Relating to the creation of health equity zones.

Engrossed Second Substitute Senate Bill No. 5071

Relating to creating transition teams to assist specified persons under civil commitment.

Substitute Senate Bill No. 5073

Relating to improving involuntary commitment laws.

Engrossed Substitute Senate Bill No. 5118

Relating to supporting successful reentry.

Engrossed Substitute Senate Bill No. 5121

Relating to expanding eligibility for the graduated reentry program.

Substitute Senate Bill No. 5157

Relating to providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system.

Engrossed Substitute Senate Bill No. 5178

Relating to establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.

Second Substitute Senate Bill No. 5183

Relating to victims of nonfatal strangulation.

Substitute Senate Bill No. 5185

Relating to capacity to provide informed consent for health care decisions.

Engrossed Substitute Senate Bill No. 5193

Relating to unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics.

Engrossed Second Substitute Senate Bill No. 5194

Relating to providing for equity and access in the community and technical colleges.

Second Substitute Senate Bill No. 5195

Relating to opioid overdose reversal medication.

Engrossed Substitute Senate Bill No. 5203

Relating to the production, distribution, and purchase of generic prescription drugs.

Engrossed Second Substitute Senate Bill No. 5227

Relating to diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

Engrossed Substitute Senate Bill No. 5229

Relating to health equity continuing education for health care professionals.

Substitute Senate Bill No. 5236

Relating to extending the exemption from certificate of need requirements for the expansion of psychiatric bed capacity.

Second Substitute Senate Bill No. 5253

Relating to implementing the recommendations of the pollinator health task force.

Substitute Senate Bill No. 5273

Relating to the replacement of shoreline armoring.

Second Substitute Senate Bill No. 5313

Relating to health insurance discrimination.

Second Substitute Senate Bill No. 5315

Relating to captive insurance.

Substitute Senate Bill No. 5318

Relating to fertilizer fees.

Engrossed Substitute Senate Bill No. 5321

Relating to the college bound scholarship.

Engrossed Senate Bill No. 5330

Relating to commercial whale watching licenses.

Second Substitute Senate Bill No. 5331

Relating to establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

Substitute Senate Bill No. 5361

Relating to the resentencing of persons convicted of drug offenses.

Engrossed Substitute Senate Bill No. 5370

Relating to updating mental health advance directive laws.

Substitute Senate Bill No. 5378

Relating to real estate brokers and managing brokers license renewal requirements.

Substitute Senate Bill No. 5381

Relating to fish passage project permit streamlining.

Engrossed Substitute Senate Bill No. 5408

Relating to the homestead exemption.

Engrossed Substitute Senate Bill No. 5432

Relating to cybersecurity in state government.

Engrossed Substitute Senate Bill No. 5478

Relating to unemployment insurance relief for certain employers.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 13, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 2021, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5151

Relating to foster care and child care licensing by the department of children, youth, and families.

Senate Bill No. 5225

Relating to direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act.

Engrossed Substitute Senate Bill No. 5235

Relating to increasing housing unit inventory by removing arbitrary limits on housing options.

Senate Bill No. 5299

Relating to the use of computer science credits for the purpose of graduation requirements.

Senate Bill No. 5345

Relating to establishing a statewide industrial waste coordination program.

Second Substitute Senate Bill No. 5368

Relating to encouraging rural economic development.

Second Substitute Senate Bill No. 5383

Relating to authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

Engrossed Second Substitute Senate Bill No. 5399

Relating to the creation of a universal health care commission.

Engrossed Substitute Senate Bill No. 5405

Relating to racial equity analysis for the joint legislative audit and review committee work.

Engrossed Senate Bill No. 5476

Relating to addressing the State v. Blake decision.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 17, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 17, 2021, Governor Inslee approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5022

Relating to managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers.

Engrossed Second Substitute Senate Bill No. 5126

Relating to the Washington climate commitment act.

Engrossed Second Substitute Senate Bill No. 5141

Relating to reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 18, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 18, 2021, Governor Inslee approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5051

Relating to state oversight and accountability of peace officers and corrections officers.

Substitute Senate Bill No. 5066

Relating to a peace officer's duty to intervene.

Engrossed Second Substitute Senate Bill No. 5259

Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve.

Engrossed Substitute Senate Bill No. 5263

Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

Engrossed Substitute Senate Bill No. 5353

Relating to creating a partnership model that facilitates community engagement with law enforcement.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 19, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 18, 2021, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5084

Relating to state general obligation bonds and related accounts.

Engrossed Substitute Senate Bill No. 5092

Relating to fiscal matters.

Engrossed Senate Bill No. 5135

Relating to unlawfully summoning a police officer.

Substitute Senate Bill No. 5165

Relating to transportation funding and appropriations.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

April 22, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 12 and 13, Engrossed Second Substitute Senate Bill No. 5160 entitled:

"AN ACT Relating to addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs."

While Section 12 attempts to provide direct financial relief to landlords as part of a larger legislative solution in E2SSB 5160, it creates an entitlement for landlords to receive rent assistance without a sufficient framework to prioritize resources to those landlords who have the greatest need. The estimated cost of Section 12 is \$2.4 billion, which is \$1.5 billion more than is currently appropriated by the state or awarded by the federal government. RCW 43.88.055 requires the Legislature to enact an operating budget that leaves a positive ending fund balance at the end of the fiscal biennium.

Although the final budget will likely have a different ending fund balance than is reflected today, \$1.5 billion in additional costs could not be sustained by available fiscal resources. In order to ensure that the Legislature meets its statutory obligation to leave a positive ending fund balance at the end of the 2021-23 biennium, I am vetoing Section 12 of this bill at the request of legislative leadership.

In addition, Section 13 is largely duplicative of an early action bill that I have already signed, ESHB 1368, which provides \$2 million in grant opportunities for eligible landlords. Because of this, Section 13 creates administrative problems for the department of commerce, and may also cause confusion for landlords. As a result, again at the request of legislative leadership, I am also vetoing Section 13.

The Legislature and I agree it is important to provide resources to landlords, and to prioritize assisting those landlords who have a small number of units. If the Legislature wants to increase support for landlords who have a small number of units, I encourage the Legislature to increase funding to the program already created in the early action bill rather than creating redundant programs.

For these reasons I have vetoed Sections 12 and 13 of Engrossed Second Substitute Senate Bill No. 5160.

With the exception of Sections 12 and 13, Engrossed Second Substitute Senate Bill No. 5160 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 3, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill No. 5159 entitled:

"AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife."

This bill improves the method the state uses to pay counties for payments in lieu of taxes for lands owned by the Department of Fish and Wildlife. Counties distribute these payments to local taxing districts in the same manner they distribute property taxes supporting things like schools, emergency services, and noxious weed control. Section 2 sets an emergency effective date for the bill of July 1, 2021. The emergency effective date is unnecessary as payments to counties are due in April each year, not in July. The next payment to counties will be made in April 2022 and an emergency effective date is not needed to issue those payments. For this reason, I am vetoing section 2 of SB 5159.

For these reasons I have vetoed Section 2 of Senate Bill No. 5159. With the exception of Section 2, Senate Bill No. 5159 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 10, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8, Second Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to mental health sentencing alternatives."

Section 8 is an emergency clause that provides the bill with an effective date of July 20, 2021. Without the emergency clause, the bill will go into effect on July 25, 2021. There does not appear to be a need for the bill to go into effect earlier than July 25.

For these reasons I have vetoed Section 8 of Second Substitute Senate Bill No. 5293. With the exception of Section 8, Second Substitute Senate Bill No. 5293 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 10, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5304 entitled:

"AN ACT Relating to providing reentry services to persons releasing from state and local institutions."

Section 11 of E2SSB 5304 amends RCW 72.09.270 as it pertains to county of origin for individuals releasing from total confinement in the Department of Corrections. I support the policy changes made to this section, but some of these changes conflict with another bill that amends the same statute. Specifically, this bill changes the word "offender" to "person" in RCW 72.09.270, whereas E2SHB 1044 changes the word "offender" to "incarcerated individual" in the same statute. At the request of the prime sponsor, I am vetoing this section to remove the conflict.

For these reasons I have vetoed Section 11 of Engrossed Second Substitute Senate Bill No. 5304. With the exception of Section 11, Engrossed Second Substitute Senate Bill No. 5304 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 13, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 33, Substitute Senate Bill No. 5151 entitled:

"AN ACT Relating to foster care and child care licensing by the department of children, youth, and families."

Section 33 is a null and void clause. It provides that if specific funding for the purposes of Section 29, a section related to prohibiting charging licensees for obtaining a child care license, is not provided in the omnibus appropriations act, then Section 29 is null and void. Although the omnibus appropriations act references Section 29 of this bill, it does not provide specific funding for Section 29. Section 33 must be vetoed so that Section 29 can be implemented.

For these reasons I have vetoed Section 33 of Substitute Senate Bill No. 5151. With the exception of Section 33, Substitute Senate Bill No. 5151 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 13, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 entitled:

"AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options."

Section 3 allows cities to delay local implementation of statewide requirements around siting of accessory dwelling units until two years after their next required comprehensive plan update. Accessory dwelling units play an important role in creating additional housing options in urban areas and the state is currently facing a housing crisis.

Section 4 limits the ability for local governments to require owner occupancy on lots containing an accessory dwelling unit, but it also creates numerous exceptions to that limitation which are problematic. I am concerned that the language may allow a local government to prevent the siting and development of accessory dwelling units in perpetuity with very little justification.

Section 1 establishes the intent of the bill. Due to the vetoes of Sections 3 and 4, the original statement of intent no longer fully applies to this bill.

For these reasons I have vetoed Sections 1, 3, and 4 of Engrossed Substitute Senate Bill No. 5235. With the exception of Sections 1, 3, and 4, Engrossed Substitute Senate Bill No. 5235 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 13, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill No. 5405 entitled:

"AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work."

Section 2 directs the Joint Legislative Audit and Review Committee (JLARC) to complete a racial equity analysis on the impact of the restrictions on in-person K-12 education put in place since the COVID-19 state of emergency was declared on February 29, 2020, for all counties in Washington. Racial equity in education is a longstanding issue that was made worse by the COVID pandemic. Beyond the necessary school restrictions imposed, COVID impacts on education also included, but are not limited to, public health, economic disruption, teacher safety and loss of child care. I believe a broader review of racial inequities in K-12 is needed, and I will ask the Washington Student Achievement Council to conduct this review.

For these reasons I have vetoed Section 2 of Engrossed Substitute Senate Bill No. 5405. With the exception of Section 2, Engrossed Substitute Senate Bill No. 5405 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 13, 2021

To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Engrossed Senate Bill No. 5476 entitled:

"AN ACT Relating to addressing the State v. Blake decision."

The bill creates a new account that will not be used, therefore it is unnecessary.

For these reasons I have vetoed Section 21 of Engrossed Senate Bill No. 5476. With the exception of Section 21, Engrossed Senate Bill No. 5476 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 13, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 4, 5, 6, and 7, Second Substitute Senate Bill No. 5368 entitled:

"AN ACT Relating to encouraging rural economic development."

Section 4 of this bill would allow the Public Works Board (Board) to award funding for broadband infrastructure to cities, towns, and counties found to be in noncompliance with the growth management act (GMA). Current law prohibits any funding distributed by the Board to go to a GMA noncompliant jurisdiction unless that funding is necessary to address a public health need or substantial environmental degradation. The new exception provided here does not rise to the same level of urgency established in current law. In addition, an underpinning of the GMA has been that GMA noncompliant jurisdictions are unable to access various forms of infrastructure funding. Broadband is critical infrastructure comparable to roads, bridges, and water systems, and should be treated the same before the Board.

Section 5 prohibits the Community Economic Revitalization Board (CERB) from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. CERB does not currently consider the GMA in making funding decisions. This new prohibition is unnecessary.

Section 6 prohibits the Utilities and Transportation Commission (UTC) from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. The only funding that the UTC distributes for broadband is the Universal Service Fund (USF). Local governments are not eligible applicants to that program. The USF awards subsidies to small, private telecommunications providers. This new prohibition is also unnecessary.

Section 7 prohibits the Department of Commerce from considering compliance with the GMA as a factor in awarding broadband funding to counties, cities, and towns. Commerce is not currently bound to any consideration of GMA compliance in its decision-making regarding broadband projects. The agency has appropriate autonomy to consider the individual merits and relative benefits of each application for broadband funding. Retaining a high-level of discretion within the agency is desirable to ensure the best and highest use of scarce resources.

For these reasons I have vetoed Sections 4, 5, 6, and 7 of Second Substitute Senate Bill No. 5368.

With the exception of Sections 4, 5, 6, and 7, Second Substitute Senate Bill No. 5368 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 17, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6; 22; and the four internal cross- references to Section 22 [Section 8, on page 20, line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "section 22 of"], Engrossed Second Substitute Senate Bill No. 5126 entitled:

"AN ACT Relating to the Washington climate commitment act."

Section 6 requires the development of an improved consultation framework for state agencies to communicate and collaborate with tribes on climate investments made under the act. I strongly support the need for this work, as there are multiple new programs authorized under this act that require the state and tribes to work together. However, this section also requires tribes to provide their consent for climate projects funded by the Climate Commitment Act that might impact tribal interests, which differs from our current government-to-government approach, and does not properly recognize the mutual, sovereign relationship between tribal governments and the state. Although I am vetoing this Section, I will be requesting formal consultation with Tribal leaders to develop improved consultation procedures that strengthen our ability to work together as both sovereign governments and committed partners to advance our many mutual interests.

Section 22 primarily provides a convenient summary of compliance obligations under the Act that is duplicative of the same key compliance obligations and authorizing provisions that are well established and defined in other sections of the Act, including but not limited to Sections 23, 8 and 2. For example, the rulemaking authority acknowledged in Section 22 is provided for and expanded upon in Section 25, which separately establishes comprehensive rulemaking authority that authorizes the Department of Ecology to adopt rules to implement all of the provisions of the Act. There are no substantive aspects of Section 22 that Ecology cannot adopt and implement through this rulemaking authority. By vetoing Section 22, I am also removing an internal inconsistency with regard to the expiration date of allowances, because the ability of covered entities to rely on the last seven years of allowances in Section 22(1) conflicts with the unlimited time period for use of allowances in Section 9(2). Because I am vetoing Section 22, I am also vetoing the four internal cross-references to Section 22. Finally, I want to express my deep appreciation for the Legislature's remarkable work on this critical piece of legislation; however, the delayed effective date established in subsection (7) unnecessarily hinders our state's ability to combat climate change, one of the greatest challenges facing our state and the world today.

For these reasons I have vetoed Sections 6; 22; and the four internal cross-references to Section 22 [Section 8, on page 20, line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "section 22 of"] of Engrossed Second Substitute Senate Bill No. 5126.

With the exception of Sections 6; 22; and the four internal cross-references to Section 22 [Section 8, on page 20, line 32, after "in" veto "section 22 of"; Section 9, on page 22, beginning on line 14, after "2026.", veto the sentence beginning with "If" and ending with "period." on line 16; Section 13, on page 39, line 21, after "with" veto "section 22 of"; and Section 19, on page 47, line 30, after "under" veto "section 22 of"], Engrossed Second Substitute Senate Bill No. 5126 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

May 18, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179, Substitute Senate Bill No. 5165 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 205(5), pages 18-19, Transportation Commission, Unfunded Study

This section directs the Transportation Commission to evaluate and identify activities funded in the transportation budget that might be paid for using other revenue resources. This proviso also instructs the commission to recommend potential changes to funding sources in order to maintain a state of good repair. There was no funding provided to support this work. For this reason, I have vetoed Section 205(5).

Section 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."

Section 220 includes the following sentence in six provisos: "Fuel type may not be a factor in the grant selection process." This sentence is a nondollar proviso that is subject to the governor's veto authority. It is also substantive legislation included in an appropriations bill that either conflicts with or amends the statutory mandates in RCW 47.66.040 and 47.66.030 that direct WSDOT to consider, among other criteria, energy efficiency issues and federal and state air quality requirements in selecting programs and projects. In addition, this requirement conflicts with, or at best substantially impairs, the statutory mandate for the state and local government subdivisions to transition to zero emission vehicles as articulated in RCW 43.19.648. The sentence at issue is a policy change - that is, an amendment - to existing statutory requirements. As such, the sentence violates Article II, Sections 19 and 37 of the Washington State Constitution.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor. The addition of this sentence within these provisos constrains my ability to exercise the constitutionally authorized veto powers.

Based on the above concerns, I previously vetoed this sentence in several subsections in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, to prevent a constitutional violation and a forced violation of state law. Litigation regarding this matter is ongoing. Because the same sentence is included again in this biennial transportation appropriations bill and because the litigation has not been resolved yet by our state Supreme Court, I again have no choice but to veto this sentence that appears in several subsections.

For these reasons, I have vetoed Section 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."

Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."

Section 309 provides the appropriation authority for the Washington State Ferries construction program. Section 309(1) includes the following sentence: "No funds appropriated in this act or additional funds received through the unanticipated receipt process may be allocated or expended for terminal electrification purposes this biennium." This sentence would prohibit any funds appropriated in the transportation budget, and not just this section, and any future funds that may be received as an unanticipated receipt, from being spent on the electrification of ferry terminals. This could result in the Department of Transportation foregoing opportunities to pursue funding for terminal electrification and charging, contrary to the needs of the ferries program. As we continue the work toward the first 144-car hybrid electric vessel and the conversion of the Jumbo Mark II vessel, we must also pursue the charging infrastructure to be able to access electricity for seamless operations.

It is well established that the governor's veto powers in Article III, Section 12 of the Washington State Constitution extend to appropriation items and full subsections or provisos in an appropriations bill. It is also well established that our courts will intervene to prevent obvious circumvention of the veto power by the Legislature or equally obvious manipulation of that power by the governor.

This sentence is a nondollar proviso that is subject to the governor's veto authority. The sentence is a condition on the entire transportation budget bill and on unanticipated receipts and thus does not naturally fit together with the other language in Section 309(1), which is a separate proviso applying to only the appropriations in Section 309.

The prohibition on terminal electrification expenditures not only stifles the ongoing work by Washington State Ferries to electrify fleets and terminals, but also eliminates pathways to attain federal funds or other grants. While my veto authority is generally limited to sections, subsections or appropriation items in an appropriations bill, this sentence embedded in a subsection is a separate, nondollar appropriation item that is subject to my veto. The deleterious effects of this prohibition leave me no choice but to veto this sentence.

For these reasons, I have vetoed Section 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."

Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179

Section 920 includes the following sentence in seven provisos: "Fuel type may not be a factor in the grant selection process." I previously vetoed this sentence in six provisos in the 2019-21 biennial transportation budget bill, Engrossed Substitute House Bill 1160, for the reasons set forth in my veto message for Section 220 of this bill. Because Section 920 amends current law to reinstate the sentence that I had previously vetoed, I again have no choice but to veto the provisos that contain this sentence and have vetoed the sentence in two other provisos.

For these reasons, I have vetoed Section 920(1), pages 175-176; Section 920(2), page 176; Section 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and Section 920(9), page 179.

I have vetoed the following sections related to bills that did not pass the Legislature, resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 205(2), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles

Section 205(4), page 18, Transportation Commission, SSB 5444, Implementing a per mile charge on electric and hybrid vehicles

For these reasons I have vetoed Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179 of Substitute Senate Bill No. 5165.

With the exception of Sections 205(2); 205(4); 205(5); 220, page 48, line 15, beginning with "Fuel" through line 16 ending with "process."; page 48, line 28, beginning with "Fuel" through line 29 ending with "process."; page 48, line 32, beginning with "Fuel" through line 33 ending with "process."; page 49, line 5, beginning with "Fuel" through line 6 ending with "process."; page 49, line 37, beginning with "Fuel" through line 38 ending with "process."; and page 50, line 18, beginning with "Fuel" through line 19 ending with "process."; 309, page 70, line 35, beginning with "No" through page 71, line 2, ending with "biennium."; and 920(1), pages 175-176; 920(2), page 176; 920(3), page 176; page 177, line 13, beginning with "Fuel" and ending with "process."; page 177, line 33, beginning with "Fuel" through line 34 ending with "process."; and 920(9), page 179, Substitute Senate Bill No. 5165 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

May 18, 2021

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 127(18); 137(13); 308(18); 738; 1110 (9); 955; and 1703, page 1076, lines 34-35, Engrossed Substitute Senate Bill No. 5092 entitled:

"AN ACT Relating to fiscal matters."

Section 127(18), pages 27-28, Attorney General, Washington State Missing and Murdered Indigenous Women and People Task Force

Section 127(18) provides funding for the Attorney General's Office to support the Washington State Missing and Murdered Indigenous Women and People Task Force established in Section 955 of this act. Because the wrong version of the section was included in the enacted budget, I have vetoed Section 955. Since Section 955 is vetoed, the funding in this proviso is no longer needed. Therefore, I have vetoed Section 127(18).

However, the work of this task force is extremely important, and the Attorney General's Office has agreed to convene the task force and begin the work set forth in this section. I will request the funding necessary for this task force in my next supplemental budget request.

Section 137(13), page 95, Department of Revenue, Future Taxation of Digital Products Work Group and Report

This section directs the Department of Revenue to convene a stakeholder work group to analyze and develop recommendations on the future taxation of digital products that are used in the electronic processing of prescriptions. The department must submit the analysis and recommendations in a report to the Legislature by December 1, 2021. Because funding was not provided for the department to do this work, I have vetoed Section 137(13).

However, I am directing the department to work with stakeholders to assist them in developing and drafting legislation that will help reduce the tax burden on pharmacies as it relates to digital services that are used in the processing of electronic prescriptions and transmission of prescription drug claims data.

Section 308(18), page 330, Department of Fish and Wildlife, Columbia River Gillnet License Buyback

This section provides funding solely for a voluntary buyback of Columbia River commercial gillnet licenses which is something I supported in my proposed budget. However, the last sentence of this section also requires the department to only authorize mainstem gillnet and drift net fisheries in certain areas of the Columbia River for one particular salmon run based on a set allocation for commercial fisheries. This allocation for commercial fisheries conflicts with Washington's agreement with the state of Oregon on management of commercial gillnet fisheries on the Columbia River. In addition, the last sentence potentially limits the department from issuing fishing licenses for other species such as eulachon or shad and from issuing permits for other commercial gear types. This may have unknown impacts on other fisheries along the Columbia River. Although I support the voluntary buyback of commercial gill net licenses on the Columbia River, I cannot support these additional provisions. For these reasons, I have vetoed Section 308(18).

Section 738, page 506-507, Office of Financial Management, Home and Community Based Services

This section requires OFM to direct spending from this appropriation dependent upon receiving guidance from the Centers for Medicare and Medicaid Services (CMS) by May 10, 2021, that extends the use of Home and Community Based Services funds beyond December 31, 2022. In Section 738(2), the Legislature expressed its intent to direct expenditures if CMS extended the expenditure time period. CMS provided guidance on May 13, 2021, extending the use of this fund source through March 2024.

For this reason, I have vetoed Section 738 to follow the spirit of the proviso and enable the Legislature to decide how the funds should be used.

Section 1110(9), page 631, Office of Civil Legal Aid, Tenant Representation Outcome Study

This section reduces the appropriations for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the Residential Landlord-Tenant Act. This reduction in funding includes fiscal year 2020. This fiscal year has closed and can no longer have changes in appropriation. For this reason, I have vetoed Section 1110 (9). I will ask the Office of Civil Legal Aid to place \$317,500 in reserve status for fiscal year 2021.

Section 955, pages 541 through 544

Section 955 creates the Washington State Missing and Murdered Indigenous Women and People Task Force and sets out the members of the task force, the work of the task force, and specific duties and authority for the Washington State Attorney General

to support the task force. The budget did not include the correct version of this section and has some issues that cannot be overcome. Because of the problems that arise from this version, I have vetoed Section 955. However, this work is extremely important and needs to move forward. We have coordinated with the Attorney General's Office, which will use its existing authority to convene the task force and begin the work set forth in this section. I will include the creation of the task force as intended in my next supplemental budget request.

Section 1703, page 1076, lines 34-35, State Treasurer, Bond Retirement and Interest

This section intends to adjust the appropriations for Nondebt-limit General Fund bond retirement in fiscal year 2021 to necessary levels. It appears the appropriation is an error. For this reason, I have vetoed Section 1703, page 1076, lines 34-35, (Nondebt-Limit Reimbursable Bond Retirement Account-State Appropriation).

For these reasons I have vetoed Sections 127(18); 137(13); 308(18); 738; 1110(9); 955; and 1703, page 1076, lines 34-35 of Engrossed Substitute Senate Bill No. 5092.

With the exception of Sections 127(18); 137(13); 308(18); 738; 1110(9); 955; and 1703, page 1076, lines 34-35, Engrossed Substitute Senate Bill No. 5092 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Meyer, John M.	154			SGA 9000
Clark, Keri J.	154			SGA 9001
Blauvelt Iii, Arthur A.	154			SGA 9002
Palmer, Susan A.	154			SGA 9003
Pritchard, Faaluaina S.	154			SGA 9004
Boschok, Jacelyn (Jackie) M.	154			SGA 9005
Lee, Karen T.	154			SGA 9006
Bernstein, Lois	154			SGA 9007
Macomber, Everett	155			SGA 9008
Jacobs, Steve	155			SGA 9009
Dekay, Loretta S.	155	187		SGA 9010
Manning, Jay J.	155			SGA 9011
Rivard, Bethany S.	155	599		SGA 9012
Wilcox Jr., James T.	155			SGA 9013
Christiansen, Gregory A.	155			SGA 9014
Captain, Roy	155			SGA 9015
Wildfong, Laura S.	155			SGA 9016
Breckel, Jeffrey	156			SGA 9017
Maxwell, Michael S.	156			SGA 9018
Navas, Sharonne A.	156			SGA 9019
Mcclure, Neil A.	156			SGA 9020
Johnson, Rebecca M.	156			SGA 9021
Hill, Steven R.	156			SGA 9022
Miller, Cheryl A.	156			SGA 9023
Solien, Stephanie M.	156			SGA 9024
Manning, Jay J.	156			SGA 9026
George, Reginald	156	599		SGA 9027
Johnson, Glenn A.	157			SGA 9028
Weldele-Wallace, Sidney	157			SGA 9029
Eng, Jack S.	157	585		SGA 9030
Smith, Bradley F.	157			SGA 9031
Levy, Alicia R.	157	599		SGA 9032
Glasper, Marcus J.	157	585	2300	SGA 9033
Lynch, Timothy	157			SGA 9034
Murray LII, Lowell T.	157			SGA 9035
Akerlund, Paula M.	157			SGA 9036
Moss, Jim	158			SGA 9037
McLerran, Dennis J.	158			SGA 9038
Daudon, Marc D.	158			SGA 9039
Thew, Elizabeth (Beth) J.	158			SGA 9040
Kamphuis, Juanita J.	158	599		SGA 9041
Christianson, Maria J.	158	600		SGA 9042
Shaffer, Catherine	158			SGA 9043
Wettack, Tim G.	158			SGA 9044
Sims, Ron	158			SGA 9045
Link, Gregory C.	159			SGA 9046
Mathews, Dennis W.	159	600		SGA 9047
Thew, Elizabeth (Beth) J.	159			SGA 9048
Kelly, D. Michael	159			SGA 9049
McDaniel, Nancy L.	159	600		SGA 9050
Ahl, Debbie J.	159			SGA 9051
Aveledo, Astrid E.	159			SGA 9052
Chu, Elaine	159			SGA 9053
Jaech, Jeremy	159			SGA 9054
Lux, Thomas W.	159			SGA 9055

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Malte, Robert H.	160			SGA 9056
Stark, Brent L.	160	600		SGA 9057
Taylor, Teresa N.	160			SGA 9058
Yoshihara, Steven H.	160			SGA 9059
Speer, Paul B.	160			SGA 9060
Clifton, Lily	160	600		SGA 9061
Bush, Bonnie C.	160			SGA 9062
Shuman, Patricia E.	160			SGA 9063
Bounds, Kenneth	160			SGA 9064
Latimer, Michael S.	161			SGA 9065
Weaver, James	161			SGA 9066
Taylor, Eli	161			SGA 9067
Lehman, Russell	161			SGA 9068
Lopez, Robert J.	161			SGA 9069
Mason, Chelsea	161			SGA 9070
Hauge, Russell D.	161			SGA 9071
Ragle, Claude A.	161			SGA 9072
Milne, Michelle L.	161	600		SGA 9073
Aguilera, Adam L.	162	600		SGA 9074
Gillis, Gladys T.	162			SGA 9075
Winmill, Marissa	162	600		SGA 9076
Martinez, Mark P.	162			SGA 9077
Reyes, Susana	162	601		SGA 9078
Pedersen, Kenneth J.	162	585	2301	SGA 9079
Oshie, Patrick J.	162			SGA 9080
Zuckerman, Ed	162			SGA 9081
Patnode, Jeff A.	162	234		SGA 9082
Sullivan, Eileen	162			SGA 9083
Brown, Larry	163			SGA 9084
Gayton, Peter M.	163			SGA 9085
Cole, Isabel A.	163	585		SGA 9086
Bennett, Jeanne K.	163			SGA 9087
Guenther, Judy	163			SGA 9088
Sizemore, Bud E.	163	585		SGA 9089
Fremstad, Tenesha	163	601		SGA 9090
Larsen, Ken A.	163			SGA 9091
Lawrence, Wendy L.	163			SGA 9092
Malloch, Steven	164			SGA 9093
Frost, Amy L.	164	601		SGA 9094
Chang, Florence S.	164			SGA 9095
Ritchie, Craig A.	164			SGA 9096
Webster Ii, Wally	164			SGA 9097
Zimmerman, Steven A.	164			SGA 9098
Gamboa, Guadalupe	164			SGA 9099
Linville, Molly F.	164			SGA 9100
Anderson, James R.	164			SGA 9101
Gonzalez, Candelario	165			SGA 9102
Chernin, Louise	165			SGA 9103
Iniguez, Uriel R.	165			SGA 9104
Swenson, Sharmila	165			SGA 9105
Vincent, Jeff	165			SGA 9106
Quint, Meghan B.	165			SGA 9107
Sun-Widrow, Carolina T.	165			SGA 9108
Wagner, Adrienne	165			SGA 9109
Richards, Juanita D.	165			SGA 9110
Bohlke, Wendy K.	166			SGA 9111
Bryant, Harriette C.	166			SGA 9112

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Ray, Kristin M.	166			SGA 9113
O'bryan, Megan S.	166			SGA 9114
Pobee, Eben	166			SGA 9115
Fukutaki, Richard G.	166			SGA 9116
Hamilton, Anne E.	166			SGA 9117
Wilson, Michael D.	166			SGA 9118
Cate, Sara I.	166			SGA 9119
Rice, Constance W.	166			SGA 9120
Riojas, Rogelio	167			SGA 9121
Liberty, Michelle	167			SGA 9122
Meninick, Jerry J.	167	187		SGA 9123
Vilchez, F. Maribel	167	601		SGA 9124
Henson, Wesley	167	601		SGA 9125
Jenkins, Zabrina M.	167			SGA 9126
Sullivan, Jeromy C.	167			SGA 9127
Gregoire, Norris	167	608		SGA 9128
Ponepinto, Dona	167			SGA 9129
Rumbaugh, Stanley	168			SGA 9130
Skoorsmith, Christie E.	168			SGA 9131
Albright, Jennifer R.	168	577		SGA 9132
Mitchell, Carol	168			SGA 9133
Perez-Gibson, Miguel	168			SGA 9134
Acuna, Jennifer G.	168	601		SGA 9135
Hand, Robert	168	601		SGA 9136
Allard, Jerrie L.	168			SGA 9137
Ferreira, Teri L.	168			SGA 9138
Gallaher, Patrick L.	169			SGA 9139
Ashby, Steven	169			SGA 9140
Francis, Paul T.	169			SGA 9141
Golik, Tony F.	169	608		SGA 9142
Lyne, William	169			SGA 9143
Mullaney, Susan	169			SGA 9144
Standish-Kuon, Terri (Theresa) A.	169			SGA 9145
Yoshiwara, Jan	169			SGA 9146
Young, Derek M.	169			SGA 9147
Gardow, Kathryn	169			SGA 9148
Hix, Henry	170			SGA 9149
Meotti, Michael	170			SGA 9150
Siler, Holly M.	170			SGA 9151
Martinez, Mark P.	170			SGA 9152
Norman, Guy R.	170			SGA 9153
Garman, Rozanne E.	170			SGA 9154
Robbins, Ann M.	170	601		SGA 9155
Broom Davidson, Jane K.	170			SGA 9156
Busto, Mark R.	170	602	2306	SGA 9157
Martin, Gerald L.	171			SGA 9158
Hensler, Jeffrey J.	171			SGA 9159
Cartagena, Wilma	171			SGA 9160
Rosentrater, Heather	171			SGA 9161
Cerna, Enrique S.	171			SGA 9162
Franklin, Chase D.	171			SGA 9163
Powell, Lura J.	171			SGA 9164
Jones, Sativah A.	171			SGA 9165
Mirand, William A.	171			SGA 9166
Ramsdell, Lori M.	172	234		SGA 9167
Saven, John D.	172			SGA 9168
Vanderstoep, J. A.	172			SGA 9169

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Rumpf, William N.	172			SGA 9170
Greiner, Abigail E.	172	217	2306	SGA 9171
Coleman, Frankie L.	172			SGA 9172
Fukai, Kelly	172	266	2306	SGA 9173
King, Lauren	172	586		SGA 9174
McMillion, Nathaniel L.	172	217	2433	SGA 9175
Riker, Mark	172			SGA 9176
Navarro Kresse, Savanna	173			SGA 9177
Williams, Ardine	173			SGA 9178
Wise, Neil L.	173			SGA 9179
Gonzalez, Michelle	173			SGA 9180
George, Deanna	173			SGA 9181
Pogosian, Kristina S.	173	217	2433	SGA 9182
Schoettler, John F.	173			SGA 9183
Cayanan, Arliegh P.	173	218	2434	SGA 9184
Davis, Tateasha M.	173	235		SGA 9185
Carthum, Harry L.	174			SGA 9186
Fitta, Nancy K.	174	602		SGA 9187
Joiner, Allie M.	174	602		SGA 9188
Sinkovitz, Nancy J.	174	602		SGA 9189
Indapure, Rituja	174	240		SGA 9190
Al-Ghanim, Athmar	174	218	2434	SGA 9191
Alcantar, Alejandro	174	218	2434	SGA 9192
Belton, Allan	174			SGA 9193
Lowe, Vicki L.	174	240		SGA 9194
Merriweather, Michelle Y.	175	240		SGA 9195
Mohr, James M.	175	344		SGA 9196
Defrance, Hawkins B.	175			SGA 9197
Hayes, William E.	175			SGA 9198
Dalan, Quinn R.	175	240		SGA 9199
Franklin, Anna M.	175	240		SGA 9200
Bratsch-Horsager, Melinda L.	175	218	2434	SGA 9201
Franz, Anna	175			SGA 9202
Leigh, Richard, Jr. E.	175			SGA 9203
Pierini, Arlene M.	176			SGA 9204
Ramirez Robson, Jennifer	176			SGA 9205
Reich, Jay A.	176			SGA 9206
Stanley, Charles C.	176			SGA 9207
Stoddard, Hannah	176	218	2575	SGA 9208
Whang, Frederick P.	176			SGA 9209
De Wulf, Isabelle C.	176			SGA 9210
Kaiser, Richard P.	176			SGA 9211
Karnofski, Michael	176			SGA 9212
Pearson, Kimberly H.	176			SGA 9213
Sayce, James R.	177			SGA 9214
Pasquier, Therese N.	177			SGA 9215
Pedlow, John W.	177			SGA 9216
Gutierrez Kenney, Phyllis	177			SGA 9217
Eckmann, Tom	177			SGA 9218
Harper, Kimberly L.	177			SGA 9219
Ponto, Colleen F.	177			SGA 9220
Arno Martinez, Paula	177			SGA 9221
Canseco Juarez, Cristhian A.	177			SGA 9222
Mah, Doug	178			SGA 9223
Takamura, Frieda K.	178			SGA 9224
Batayola, Teresita	178			SGA 9225
Arteaga, Castulo (Cus)	178			SGA 9226

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Bowman Iv, Joseph S.	178			SGA 9227
Ramos, Jenette	178			SGA 9228
Keohokalole Schauer, Lisa T.	178			SGA 9229
Salvesen, Rhonda	178	235		SGA 9230
Yenson, Evelyn P.	178	235		SGA 9231
Giniger, Judith	179			SGA 9232
Wortham, Latasha M.	179			SGA 9233
Benson Tolle, Tia H.	179			SGA 9234
Duncan, Kiantha L.	179			SGA 9235
Gordon, Kimberly N.	179	577		SGA 9236
Lemley, Phillip R.	179	577		SGA 9237
Tunheim, Jon	179	608		SGA 9238
Burt, Timothy	179			SGA 9239
Earling, David O.	179			SGA 9240
Houser, William C.	179	562		SGA 9241
Peterson, Christina	180			SGA 9242
Miller , Toraya	180			SGA 9243
Jacobsen, Jane L.	180			SGA 9244
Rendahl, Ann E.	180			SGA 9245
Danenberg, Sophia	180			SGA 9246
Wiggs-Martin, Josephine	180	468		SGA 9247
Saint Clair, Judge Wesley	180	562	2576	SGA 9248
Koontz, Fred W.	180			SGA 9249
Smith, Lorna	180			SGA 9250
Anthony, Michael	181	279	2576	SGA 9251
Bladow, Layne	181			SGA 9252
Shiosaki, Michael S.	181			SGA 9253
Martin-Morris, Harium J.	181	602		SGA 9254
Wang, Kevin K.	181	602		SGA 9255
Harris, Cherie M.	181	468		SGA 9256
Shah, Umair A.	218	564	2300	SGA 9257
Doerner, Mariko K.	218	254		SGA 9258
Drennen, Andrew J.	218	279	2576	SGA 9259
Perez, Diana H.	219			SGA 9260
Shreeve, Evangelina G.	219			SGA 9261
Charbonneau, Jeffrey A.	219			SGA 9262
Goldberg, Frederick	219			SGA 9263
Harrell, Bruce A.	219			SGA 9264
Jacobs, Steven R.	219			SGA 9265
Willis, Daria	219			SGA 9266
Davis, Jeff	219			SGA 9267
Ortega, Bertha	219			SGA 9268
Thorstensen, Hoang Uyen T.	220			SGA 9269
Willhite, Ted R.	220			SGA 9270
Kenyon Jr., Kenneth W.	359			SGA 9271
Krombeen, Henrik	359	632	2576	SGA 9272
Rasmussen, Timothy	359			SGA 9273
Stuehm, Hunter R.	359			SGA 9274
Hall, Will	359			SGA 9275
Sbaih, Jeff	359	577		SGA 9276
Black, Erin L.	360			SGA 9277
Kuschel, Judy F.	360	578		SGA 9278
Lee, Lorraine	578			SGA 9280
Lien, Carol A.	578			SGA 9281
Drew, Kathleen	578			SGA 9282
Cattin, Elizabeth	578			SGA 9283
Phillips, Alice	578			SGA 9284

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

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Valadez, Martin	578			SGA 9285
Espinoza-Bravo, Pedro	578			SGA 9286
Postman, David	579			SGA 9287
Johnson, Karen	632			SGA 9288
Hesselholt, Claire	633			SGA 9289
Hogans, Mack L.	633			SGA 9290
Pitt, Pah-Tu	633			SGA 9291
Sharratt, Gene C.	2596			SGA 9292
Bahr, Krestin G.	2597			SGA 9293
Davis, Tateasha M.	2597			SGA 9294
Reeves, Kristine	2597			SGA 9295

GUBERNATORIAL PROCLAMATIONS REGARDING COVID-19 PANDEMIC

In February of 2020, state health officials noticed a large increase in the disease that came be known as Covid-19 and the ease in which the disease was spreading. The World Health Organization identified the virus responsible as Severe Acute Respiratory Syndrome COroNaVirus 2 (SARS-CoV-2) and named the disease COVID-19 (CoronaVirus Disease, 2019). It had been previously referred to as “2019 novel coronavirus” and the names were used interchangeably. Washington State was generally credited with having the first coronavirus case in the United States in January 2020.

Governor Jay Inslee issued Proclamation 20-05, proclaiming a state of emergency for all counties as a result of the Covid-19 outbreak and person-to-person spread of COVID-19 in Washington State. On March 11, 2020, Governor Inslee further limited gatherings of two hundred and fifty people or more, in certain counties, for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. Subsequent proclamations expanded the scope and areas of these restrictions as well as sanitizing requirements for places that were used. Eventually the entire state was under some restrictions.

Efforts to combat the pandemic resulted in the closure of childcare facilities, public schools, colleges, universities, places of worship, government offices, and businesses. The use of personal protective equipment (PPE), such as, wearing of facemasks and use of hand sanitizers, as well as gatherings of fewer than ten people but only if separated by at least six feet of space, "social distancing," became common place over the Spring and Summer. Places of learning, worship, government offices and businesses moved as much of their operations online, moving to tele-commuting and video conferencing to maintain some of their operations as they could.

After June 2020, a phased approach to reopening the state began to be implemented. However, an increase in the infection rate caused a halt to the incremental approach to reopening and, in some cases, restrictions were reimposed in late July. Many schools, churches, government offices and businesses expected to remain closed through the end of the calendar year.

The following are a continuation of the Governor’s proclamations in regard to the Covid-19 pandemic from November 1, 2020 until October 31, 2021.

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-15, et seq.**

**20-15.9
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver’s licenses and identification cards; and

WHEREAS, on under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and that Proclamation 20-15, et seq., is hereby extended until 11:59 p.m. on December 7, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-20, et seq.**

20-20.9

Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-21, et seq.**

**20-21.9
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the waiver of the rule therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.**

**20-23.12
Ratepayer Assistance and Preservation of Essential Services**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my

emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, hundreds of thousands of Washingtonians are struggling to pay for necessities, reflecting the continued financial precariousness of many in the state. According to unemployment information from the Washington State Employment Security Department website as of October 7, 2020, current data show there are more than six times as many people claiming unemployment benefits in Washington than there were a year ago, and almost 100,000 more people claiming unemployment benefits than at the peak of the Great Recession; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to

- (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 31, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

20-28.12

Open Public Meetings Act and Public Records Act Proclamations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions. I issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, open public meetings are a fundamental part of open government and are essential to provide the people of Washington with timely and accurate information regarding wildfires and COVID-19, to provide them with answers to their questions, to enable public bodies to conduct business in response to the ongoing emergencies, and to dispel misinformation that may be spread through social media or otherwise; and

WHEREAS, to enable necessary public meetings in areas where telecommunications services were interrupted or degraded due to wildfires, on September 16, 2020, I issued Proclamation 20-28.10 modifying the prohibitions and guidance set forth in Proclamations 20-28 and prior amendments; but today, those telecommunication interruptions due to wildfires are no longer present, so those modifications to 20-28 initially outlined in 20-28.10 are not necessary at this time and are not further extended here; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to provide greater opportunity for the public to engage its governing bodies, it is critical that we continue to strive to explore ways to identify and allow for safe in-person interactions between Washingtonians and their public officials; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, to assist in the implementation of Proclamation 20-28, et seq., it is appropriate to restate in one document the prohibitions and the statutory waivers and suspensions currently in effect; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended

to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 restated herein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Prohibition:

Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Exemption from Prohibition:

As an exception to the above prohibition, public agencies holding public meetings in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are met:

1. Open public meetings shall comply with all provisions of Proclamation 20-25, et seq., and the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#) including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering. For meetings held either indoors or outdoors, six feet of physical distance must be maintained by all attendees, and all attendees must wear a face covering. (*Note: If no indoor space is available that meets applicable distancing requirements, the public meeting can and should be held outdoors*); and
2. Any person wishing to attend in person a public meeting with an in-person component must be able to do so at a physical location meeting the requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
3. If at any time during a public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then adjourned, continued, or otherwise terminated.
4. The public agency holding an in-person public meeting shall accommodate, to the extent practicable, those wishing to participate in and/or attend the public meeting (to include the press) by allowing persons to attend the meeting by listening and speaking through operable telecommunications devices (examples include using an attendee’s cell phone with service to connect to a conference calling service, or allowing persons to call in using an attendee’s cell phone with service).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety;
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence

- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.9
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020, effective date of January 1, 2021), providing health care provider

payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

20-30.9

Unemployment Benefit – Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating to job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that

Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.9

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on December 7, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health

of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

**20-32.9
Department of Health– Health Care Workers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the rules waived and suspended therein in subsequent proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.7

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., has been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described

above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

20-41.10

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.8

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide and is causing a sustained economic slowdown throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address the COVID-19 pandemic, and to ensure that state employees will be timely paid and available, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.8

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20- 44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on December 7, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-45, et seq.**

20-45.8

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, et seq., *Safe Start, Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic violence reports, and domestic violence survivors must rely on protection orders, making access to emergency protection orders, access to expedient court review, processing, and service of orders vital to public safety; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal service and in-person hearings that may not be necessary or appropriate for the individual case to will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45, et seq., have been periodically reinstated and extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-45, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.8

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-48, et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.10
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of

the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

20-51.9

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq.

20-52.8

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension

in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until September 1, 2020, unless that date is further extended, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or September 1, 2020, in Proclamation 20-52.5;

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamation 20-52, et seq., to include waivers, suspensions and prohibitions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18 that are incorporated therein, address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I have subsequently issued Proclamations 20-65, 20-66, and 20-74 dividing waivers, suspensions and prohibitions relating to certain programs into their topical areas and cross referencing applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, certain waivers, suspensions, and prohibitions remain incorporated within Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives, and which I recognized and similarly extended the prohibitions and waiver and suspension of rules in subsequent sequentially-numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, unless that date is further extended; and

WHEREAS, to fully extend any remaining elements of Proclamations 20-06, 20-10, 20-16, and 20-18, incorporated into and extended only by Proclamation 20-52, et seq., it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-52, et seq., to include the incorporated provisions of Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18, is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, unless that date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID- 19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.**

20-56.6

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

**20-58.5
Employment Security Department– Shared Work Requirements**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread

throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.6

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the licensing of workers in the healthcare industry; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and suspension and waiver of rules in subsequent sequentially numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.4

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to

receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4), which I acknowledged when extending the provisions therein in Proclamation 20-63.2; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 p.m. on December 7, 2020, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-64, et seq.**

20-64.3

Public Records Act – Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for "patients or clients" of "public health agencies," the courts have not interpreted the meaning of the term "client" or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an "other statute" in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related “other statutes” strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person’s personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially-numbered proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-64, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-65, et seq.**

20-65.3

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66, dividing some of the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents, to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-65, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-66, et seq.**

20-66.3

Long-Term Care – Operations and Visitation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq.,

including all of the prior proclamations' statutory waivers and suspensions contained therein, have been extended by the leadership of the Washington State Senate and House of Representatives and which I have acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, the Department of Social and Health Services, and the Aging and Long-Term Support Administration have recommended that certain statutory and rule waivers and suspensions contained in Proclamation 20-66, et seq., are no longer necessary; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, et seq., is amended to (1) recognize the statutory waivers and suspensions extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

FURTHERMORE, the following statutes and rules are no longer waived and suspended by this Proclamation:

1. RCW 70.129.140(3)(e)
2. RCW 70.129.140(5)(a)
3. WAC 388-76-10401, except the following provisions remain waived and suspended: a. WAC 388-76-10401(1)(b)
b. WAC 388-76-10401(1)(f)

ADDITIONALLY, to aid in understanding and implementation I am fully restating the prohibitions, waivers and suspensions in Proclamation, 20-66, et seq., as modified by this amendment and extension:

Based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby order that operations of the facilities listed below (with statutory references) must comply with the guidance documents referenced here, and that operations within such facilities that are not consistent with the guidance documents are prohibited:

- Intermediate Care Facilities - 42 CFR 483 subpart I and WAC 388-835, WAC 388-837
- State Operated Living Alternatives – RCW 71A.12
- Nursing Facilities – RCW 18.51 and RCW 74.42
- Assisted Living Facilities – RCW 18.20
- Adult Family Homes – RCW 70.128
- Enhanced Service Facilities – RCW 70.97

Based on the above situation, and to support implementation of the prohibitions stated above, I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below continues to be waived and suspended, in its entirety unless otherwise indicated:

1. RCW 70.129.090(1)(f)

2. RCW 70.129.090(2)
3. RCW 70.129.140(2)(b)
4. RCW 70.129.140(3)(a)-(d), (f)
5. RCW 70.129.140(4)
6. RCW 70.129.140(5)(b)
7. WAC 388-97-0520(1)(g)
8. WAC 388-97-0520(1)(h)
9. WAC 388-76-10595(6)
10. WAC 388-76-10401(1)(b)
11. WAC 388-76-10401(1)(f)

ADDITIONALLY, in furtherance of the prohibitions, waivers, and suspensions contained herein, and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor’s Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-69, et seq.**

**20-69.2
Residency for Tuition Waivers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 epidemic has hindered the ability of institutions of higher education in Washington State to safely provide in-person classes, resulting in most institutions opting to provide primarily remote instruction, and many current students are now living and participating in their higher education from locations outside of Washington State; and

WHEREAS, universities that have recently reopened their campuses for in-person classes have within the last week experienced new outbreaks of COVID-19 among students; and

WHEREAS, Washington State's six public universities employ graduate students to perform teaching and research functions, and tuition waivers are a part of the compensation provided by contract to these employees, and many graduate students come from outside the state and country and are working remotely within online learning environments; and

WHEREAS, to assist in reducing the spread of COVID-19 by enabling persons to work remotely, and to continue providing teaching and research functions for the universities and their students, while remaining eligible for tuition waivers, on August 26, 2020, I issued Proclamation 20-69 waiving and suspending a portion of RCW 28B.15.014 to allow universities to grant tuition waivers to persons not residing within Washington State, which has been extended by subsequent amendments; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-69, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-69, et seq., is amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-74**

20-74.1

**Behavioral Health Association, Children’s Long-Term Inpatient Program and Residential Treatment Facilities –
Operations and Visitation**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents, patients and staff are at increased risk for severe COVID-19, including individuals in facilities administered by the Department of Social and Health Services Behavioral Health Administration (BHA), those facilities operated for the Children’s Long-Term Inpatient Program (CLIP) as contracted by the Health Care Authority (HCA), and Residential Treatment Facilities (RTF) as licensed by the Department of Health (DOH); and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into a BHA, CLIP, or RTF and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06 and 20-16, waiving and suspending specified statutes and rules, and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25 et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the statutory waivers and suspensions in Proclamations 20-06 and 20-16 and other proclamations related to congregate care, such as long term health care facilities, were consolidated into Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in the proclamations consolidated into Proclamation 20-52, et seq., have been, with certain modifications by the leadership of the Washington State Senate and House of Representatives, extended until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., addressed a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-63, 20-65, 20-66, and 20-75 that divided some of the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., into their topical areas and cross referenced applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-74, including all of the prior proclamations' statutory waivers and suspensions contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-74, it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-75, which incorporates portions or all of the waivers and suspensions contained in Proclamations 20-06, 20-16, and 20-52, et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

FURTHERMORE, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health* 20-03, et seq., initially issued on June 24, 2020, found [here](#), and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to BHA, CLIP and RTF contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq. The recognition and extension of current waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq., remain in effect as stated in Proclamations 20-06, 20-16, and 20-52, et seq., or as otherwise extended.

ADDITIONALLY, and as a point of clarification, due to code renumbering, the statutory waiver in Proclamation 20-74 of RCW 71.34.355(4) is now found at RCW 71.34.355(1)(d). This is a change in statutory numbering only; the language waived remains the same.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

**20-28.13
Open Public Meetings Act and Public Records Act Proclamations**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions, I issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, open public meetings are a fundamental part of open government and are essential to provide the people of Washington with timely and accurate information regarding wildfires and COVID-19, to provide them with answers to their questions, to enable public bodies to conduct business in response to the ongoing emergencies, and to dispel misinformation that may be spread through social media or otherwise; and

WHEREAS, to enable necessary public meetings in areas where telecommunications services were interrupted or degraded due to wildfires, on September 16, 2020, I issued Proclamation 20-28.10 modifying the prohibitions and guidance set forth in Proclamations 20-28 and prior amendments; but today, those telecommunication interruptions due to wildfires are no longer present, so those modifications to 20-28 initially outlined in 20-28.10 are not necessary at this time and are not further extended here; and

WHEREAS, on November 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first; and

WHEREAS, to provide greater opportunity for the public to engage its governing bodies, it is critical that we continue to strive to explore ways to identify and allow for safe in-person interactions between Washingtonians and their public officials; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, to assist in the implementation of Proclamation 20-28, et seq., it is appropriate to restate in one document the prohibitions and the statutory waivers and suspensions currently in effect; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 restated herein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first, and (2) similarly extend the prohibitions herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 7, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Prohibition:

Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Exemption from Prohibition:

As an exception to the above prohibition, public agencies holding public meetings in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are met:

1. Open public meetings shall comply with all provisions of Proclamation 20-25, et seq., and the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#) including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering. For meetings held either indoors or outdoors, six feet of physical distance must be maintained by all attendees, and all attendees must wear a face covering. (*Note: If no indoor space is available that meets applicable distancing requirements, the public meeting can and should be held outdoors*); and
2. Any person wishing to attend in person a public meeting with an in-person component must be able to do so at a physical location meeting the requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
3. If at any time during a public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then adjourned, continued, or otherwise terminated.
4. The public agency holding an in-person public meeting shall accommodate, to the extent practicable, those wishing to participate in and/or attend the public meeting (to include the press) by allowing persons to attend the meeting by listening and speaking through operable telecommunications devices (examples include using an attendee's cell phone with service to connect to a conference calling service, or allowing persons to call in using an attendee's cell phone with service).
5. County and other local election canvassing boards performing operations related to the 2020 general election are exempt from the prohibitions set forth in this Proclamation to allow them to perform their operations openly and transparently, provided that such boards must (a) permit all persons entitled by law to observe such operations access sufficient to conduct such observation, and (b) follow Department of Health and Department of Labor and Industries guidelines related to facial coverings, social distancing, sanitizing, and other protective measures enacted in response to the COVID-19 pandemic.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety;
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

20-25.8

“STAY SAFE– STAY HEALTHY”

ROLLBACK OF COUNTY-BY-COUNTY PHASED REOPENING RESPONDING TO A COVID-19 OUTBREAK SURGE

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the

state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “*Stay Home – Stay Healthy*,” and later changed to “*Safe Start – Stay Healthy*” *County-By-County Phased Reopening* found [here](#), in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances and then gradually relaxed those limitations based on county-by-county phasing established according to metrics provided by the Secretary of Health; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place today; and

WHEREAS, on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20-03.1*, found [here](#), which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, from the latter part of October through the first two weeks of November, 2020, COVID-19 cases have doubled in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a primary factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, to reduce the severe increases in COVID-19 cases and hospitalizations we are currently facing, and to reduce the increase in deaths from COVID-19 that likely will follow, it is necessary to immediately modify prior prohibitions and guidance, and to issue further guidance as it is developed; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain

life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., renamed “Stay Safe – Stay Healthy” are amended to extend all of the prohibitions described herein until this order is amended or rescinded. Except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, found [here](#), and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.

FURTHERMORE, pursuant to RCW 43.06.220(3), the prohibitions set forth in Proclamations 20-25, et seq., are modified as set forth below. Unless otherwise specifically noted, the modifications take effect at 12:01 a.m., Tuesday, November 17, 2020. All modifications to existing prohibitions set forth herein shall expire at 11:59 p.m., Monday, December 14, 2020, unless otherwise extended.

If an activity is not listed below, currently existing guidance shall continue to apply. If current guidance is more restrictive than the below listed restrictions, the most restrictive guidance shall apply. These below modifications do not apply to education (including but not limited to K-12, higher education, trade and vocational schools), childcare, health care, and courts and judicial branch-related proceedings, all of which are exempt from the modifications and shall continue to follow current guidance. Terms used in this proclamation have the same definitions used in the *Safe Start Washington Phased Reopening County-by-County Plan*.

Modifications to existing prohibitions:

1. **Indoor Social Gatherings** with people from outside your household are prohibited unless they (a) quarantine for fourteen days (14) prior to the social gathering; or (b) quarantine for seven (7) days prior to the social gathering and receive a negative COVID-19 test result no more than 48-hours prior to the gathering. A household is defined as individuals residing in the same domicile.
2. **Outdoor Social Gatherings** shall be limited to five (5) people from outside your household.
3. **Restaurants and Bars** are closed for indoor dine-in service. Outdoor dining and to-go service are permitted, provided that all outdoor dining must comply with the requirements of the Outdoor Dining Guidance [here](#). Table size for outdoor dining is limited to a maximum of five (5) people. These modified restaurant and bar restrictions go into effect at 12:01 a.m. Wednesday, November 18, 2020.
4. **Fitness Facilities and Gyms** are closed for indoor operations. Outdoor fitness classes are permitted but are subject to and limited by the outdoor social gathering restriction listed above.
5. **Bowling Centers** are closed for indoor service.
6. **Miscellaneous Venues:** All retail activities and business meetings are prohibited. Only professional training and testing that cannot be performed remotely, as well as all court and judicial branch-related proceedings, are allowed. Occupancy in each meeting room is limited to 25 percent of indoor occupancy limits or 100 people, whichever is fewer.
 - Miscellaneous venues include: convention/conference centers, designated meeting spaces in a hotel, events centers, fairgrounds, sporting arenas, nonprofit establishment, or a substantially similar venue.
7. **Movie Theaters** are closed for indoor service. Drive-in movie theaters are permitted and must continue to follow current drive-in movie theater guidance.
8. **Museums/Zoos/Aquariums** are closed for indoor service.
9. **Real Estate:** Open houses are prohibited.
10. **Wedding and Funerals:** Ceremonies are limited to a total of no more than 30 people. Indoor receptions, wakes, or similar gatherings in conjunction with such ceremonies are prohibited.
11. **In-Store Retail** shall be limited to 25 percent of indoor occupancy limits, and common/congregate seating areas and indoor dining facilities such as food courts are closed.
12. **Religious Services** are limited to 25 percent of indoor occupancy limits, or no more than 200 people, whichever is fewer. Congregation members/attendees must wear facial coverings at all times and congregation singing is prohibited. No choir, band, or ensemble shall perform during the service. Vocal or instrumental soloists are permitted to perform, and vocal soloists may have a single accompanist. Outdoor services must follow the Outdoor Dining Guidance, found [here](#), applicable to the structure or facility.
13. **Professional Services** are required to mandate that employees work from home when possible and close offices to the public if possible. Any office that must remain open must limit occupancy to 25 percent of indoor occupancy limits.
14. **Personal Services** are limited to 25 percent of indoor occupancy limits.
 - Personal service providers include: cosmetologists, cosmetology testing, hairstylists, barbers, estheticians, master estheticians, manicurists, nail salon workers, electrologists, permanent makeup artists, tanning salons, and tattoo artists.
15. **Long-term Care Facilities:** Outdoor visits are permitted. Indoor visits are prohibited, but individual exceptions for an essential support person or end-of-life care are permitted. These restrictions are also extended to the facilities in Proclamation 20-74, et seq. All other provisions of Proclamations 20-66, et seq., and 20-74, et seq., including all preliminary criteria to allow any visitors, remain in effect.
16. **Youth and Adult Sporting Activities:** Indoor activities and all contests and games are prohibited. Outdoor activities shall be limited to intra-team practices only, with facial coverings required for all coaches, volunteers and athletes at all times.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and

economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance:

(1) Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and (2) Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 15th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-76
Food Delivery Fees**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “*Stay Home – Stay Healthy*,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and later amended to “*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 I again amended 20-25, et seq., to “*Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge*”, in response to a surge of new cases of COVID-19 in Washington State, thereby rolling back the reopening of businesses and reestablishing limitations on community gatherings, which includes a prohibition against indoor dining, among other things; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state’s economic vitality, including severe impacts to the large number of small businesses that make the state’s economy thrive; and

WHEREAS, access to food is essential, and it is therefore necessary to take steps to support restaurants and other food providers so they may continue to perform an essential function of providing access to food via delivery and pick-up options and to address food insecurity to those who are unable to obtain food in other ways; and

WHEREAS, for the above stated reasons, it is necessary to take action to maximize restaurants’ revenue from delivery and pick-up orders that are a lifeline and currently the sole source of revenue for the state’s restaurant and food industry to enable these businesses to survive the impacts of the COVID- 19 pandemic and continue supporting the workforce and contributing to the vitality of the state’s economy; and

WHEREAS, many consumers are eager to support local restaurants by using third-party, app-based delivery platforms to place orders with those restaurants, and these third-party platforms charge commission fees based on the purchase price; and

WHEREAS, while the service agreement between restaurants and third-party delivery platforms vary, all of these agreements include delivery commission fees that can include commission fees of up to 30% or more of the purchase price, creating an economic hardship for these food providers; and

WHEREAS, capping the delivery commission fees on delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service will ease the economic hardship for these essential service providers, while not unduly burdening third-party, app-based delivery platforms; and

WHEREAS, during this time of local economic shutdown and uncertainty caused by the COVID- 19 pandemic, many vulnerable workers have found work as delivery drivers for these third-party delivery platforms to financially support themselves and their families, and may be economically impacted if third-party, app-based delivery platforms reduce compensation rates to these delivery drivers as a result of the cap on delivery commission fees, and therefore, it is necessary to take action to prevent such under-compensation; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), I hereby prohibit third-party, app-based delivery platforms from charging covered establishments certain commissions and fees on food deliveries, as set forth in this order. I further prohibit the reduction of compensation to food delivery drivers, including the reduction of any amount of tips provided to delivery drivers that results from the restrictions on commission or delivery fees as set forth in this order. These prohibitions apply in any county where indoor dining is prohibited and until indoor dining is again permitted in the county at a capacity of at least 50%.

Definitions

1. "Covered establishment" means a restaurant, or a similar retail food establishment, that sells ready to eat food or beverages from one or more locations in the State. This term does not include grocery stores or convenience stores.
2. "Delivery fee" means a fee charged by a third-party food delivery service for providing a covered establishment with a service that delivers food or beverages from the covered establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery platform to a covered establishment, such as optional fees paid to obtain additional products or services, or fees related to processing the online order.
3. "Online order" means an order placed by a customer through a platform provided by the third-party food delivery service, including a telephone order.
4. "Purchase price" means the menu price of an online order, excluding taxes, gratuities or any other fees that may make up the total cost to the customer of an online order.
5. "Third-party food delivery platform" means a website, mobile application, or other internet service that facilitates the sale and same-day delivery or same-day pickup of ready to eat food or beverages provided by covered establishments in the State.

Fee Structure

1. A third-party food delivery platform shall not charge a covered establishment a delivery fee that totals more than 15% of the purchase price of an online order.
2. A third-party food delivery platform shall not charge a covered establishment a total fee amount for the use of their all services, including the delivery fee, that totals more than 18% of the purchase price of an online order.
3. A covered establishment may agree to pay a third-party food delivery platform a fee that exceeds the limits in sections 1 and 2 to obtain optional products or services, including, but not limited to, advertising, marketing, or access to customer subscription programs, in addition to delivery or pickup service.

ADDITIONALLY, nothing in this proclamation shall be construed to limit a local government entity from imposing a similar cap on third-party, app-based delivery platforms provided it is not less prohibitive than this proclamation.

FURTHERMORE, I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order is effective at 12:01 a.m. on Wednesday, November 25, 2020. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-76, will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 19th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-24, et seq.**

20-24.2

Requirements for Non-Urgent Medical and Dental Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy – County-By-County Phased Reopening,” gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, is again broadly spreading throughout Washington State, in a new wave of infections and hospitalizations, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the health care personal protective equipment (PPE) supply chain in Washington State has been severely disrupted by the significant increased use of such equipment worldwide, such that there are now shortages of this equipment for health care workers. To curtail the spread of the COVID-19 pandemic in Washington State and to protect our health care workers as they provide health care services, it is necessary to prohibit all medical, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures and surgeries unless specific procedures and criteria are met; and

WHEREAS, in accordance with the state comprehensive management plan, the State Departments of Enterprise Services, Health, and Military have facilitated the purchase and delivery of vital PPE and other health care equipment, to assist the state’s hospitals, health systems, and other providers of clinical services to address the health care crisis created by the COVID-19 pandemic; and

WHEREAS, Washington State’s collaborative approach has been effective in addressing the significant public health issues associated with the disease, while greatly expanding the clinical and operational capacity of the health system to effectively care for COVID-19 patients and safely provide preventive, diagnostic, outpatient, ambulatory, acute, and post-acute care for all people in need of care via both in-person and virtual means. The professionalism, expertise, and compassion of Washington’s clinicians, nurses, and other health care professionals during the COVID-19 pandemic has been exemplary; and

WHEREAS in the early days of the pandemic, I, in collaboration with the Washington State Department of Health and health care system partners, established a data-driven approach to addressing the health and safety of Washington’s citizens and communities, which was successful in reducing the impact of the disease in the State and must continue to direct the state’s health care response to the pandemic; and

WHEREAS, I have requested and will again request that the leadership of the Legislature extend Proclamation 20-29, et seq., to require telemedicine payment parity through year-end 2020, when the new parity law in ESSB 5385 will take effect; and

WHEREAS, recognizing that health status is impacted both by social determinants of health and untreated or inadequately treated health conditions, it is vital that public and private sector participants in the health care system work to enhance public health capabilities and capacity, such as testing, contact tracing and follow-up, and that access to appropriate care be expanded as safely as possible; and

WHEREAS, the exercise of clinical judgement by healthcare and dental professionals related to the care of patients is essential, and it is essential for all of our health and dental partners to follow the same procedures as outlined in this proclamation and work together to protect the health of all of our residents; and

WHEREAS, access to medical services is imperative to maintaining the health and welfare of all our residents, so that our residents do not forego medically necessary care unnecessarily and risk their own safety and welfare; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-24, et seq., are amended to immediately prohibit certain medical and dental procedures, with exceptions, and as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Also, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all health care, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures, and surgeries, unless they act in good faith and with reasonable clinical judgment to meet and follow the procedures and criteria provided below:

Expansion and Contraction of Care Plan

Each health care, dental or dental specialty facility, practice, or practitioner must develop, and maintain, an expansion and contraction of care plan that is both congruent with the community COVID-19 assessment, consistent with the clinical and operational capabilities and capacities of the organization, and responsive to the criteria provided below.

Expansion and contraction of care plans should be operationalized based on the standards of care that are in effect in the health care facility, practice, or practitioner's relevant geography as determined by that region's regional healthcare coalition, as follows:

- Conventional Care Phase – All appropriate clinical care can be provided.
- Contingency Care Phase – All appropriate clinical care can be provided so long as there is sufficient access to PPE and, for hospitals, surge capacity is at least 20%.
- Crisis Care Phase – All emergent and urgent care shall be provided; non-urgent care, the postponement of which for more than 90 days would, in the judgment of the clinician, cause harm; the full suite of family planning services and procedures; newborn care; infant and pediatric vaccinations; and other preventive care, such as annual flu vaccinations, can continue.

Criteria for Resuming, Continuing, or Discontinuing Non-Urgent Procedures

Until there is a widely available effective vaccine or herd immunity, hospitals, emergency management agencies, regional healthcare coalitions, professional associations, unions and local health jurisdictions will work together to maintain surge capacity in our health care system and use PPE so that we can keep health care workers safe and provide the needed health care to our

communities. To this end, the following must be met by health care, dental and dental specialty facilities, practices, and practitioners in order to provide non-urgent services, procedures, and surgeries. If a health care facility, practice, or practitioner cannot or does not comply with any of these requirements, non-urgent services, procedures, and surgeries must be reduced or stopped until compliance is achieved and in accordance with the direction, order, requirements, or guidance issued by the Department of Health (DOH) or Department of Labor & Industries (L&I), if any:

- Exercise clinical judgment to determine the need to deliver a health care or dental service in the context of the broader health care and dental needs of patients and communities and in the context of the pandemic, and within the parameters of operation provided by the health care, dental or dental specialty facility, practice or practitioner setting in which they are providing services.
- Continuously monitor the COVID-19 status in the communities they serve.
- Continuously monitor capacity in the health care system to ensure there are sufficient resources, including ventilators, beds, PPE, blood and blood products, pharmaceuticals, and trained staff available to combat any potential surges of COVID-19.
- Continuously monitor the facility's, practice's, or practitioner's supply of PPE and maintain sufficient access to PPE.
- Comply with all applicable state and federal labor and employment laws and provide the staffing and safe work conditions necessary to provide safe patient care.
- Update infection prevention policies and procedures as necessary to reflect current best practice guidelines for universal precautions issued by the Centers for Disease Control and Prevention (CDC), DOH, and L&I, and implement such policies and procedures.
- Circulate infection prevention practices to staff, and train staff on relevant infection prevention practices.
- Regularly evaluate and improve a formal employee feedback process to obtain direct input regarding care delivery processes, PPE, and technology availability.
- Utilize telemedicine as permitted by law for the type of care being provided in order to facilitate access to care while helping to minimize the spread of the virus to other patients and/or health care workers.
- Implement policies for non-punitive employee leave that adhere to CDC return-to-work guidance and applicable law.
- Post signage that strongly encourages staff, visitors, and patients to practice frequent hand hygiene with soap and water or hand sanitizer, avoid touching their face, and practice cough etiquette.
- Follow CDC Guidance on [Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), including any subsequent amendments, for COVID-19 symptom screening for all patients, visitors, contractors, volunteers, and staff prior to, or immediately upon, entering a facility or practice.
- Limit visitors to those essential for the patient's well-being and care. As required under Proclamation 20-25.8, including any subsequent amendments, require visitors to wear face coverings in compliance with the [Secretary of Health's order \(20-03.1\)](#), including the exceptions and exemptions therein.
- As required under Proclamation 20-25.8, including any subsequent amendments, and subject to the requirements of the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. §1395dd, and other applicable state and federal laws, require patients to wear face coverings in compliance with the Secretary of Health's order (20-03.1), including the exceptions and exemptions therein.
- To the greatest extent possible given the constraints of the facility layout, maintain strict physical distancing in patient scheduling, check-in processes, positioning, and movement within a facility. Set up waiting rooms and patient care areas to facilitate patients, visitors, and staff to maintain at least six feet of distance between them whenever possible, consider rooming patients directly from cars or parking lots, space out appointments, and consider scheduling or spatially separating well visits from sick visits.
- Except when physical distancing would interfere with providing health care, require, ensure, and provide adequate space, procedures, and means to maintain physical distancing of at least six feet by all employees in all areas of the hospital/clinic, including public areas, halls, office areas, breakrooms and cafeteria rooms.
- Frequently clean and disinfect high-touch surfaces regularly using an Environmental Protection Agency (EPA)-registered disinfectant, in accordance with guidance issued by the CDC, DOH, and L&I. Follow CDC guidelines to clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the facility or areas of the facility until the location can be properly disinfected.
- Notify the local health jurisdiction where the facility or practitioner is located within 24 hours of identification of a COVID-19 outbreak, defined as suspected transmission among staff, patients, or visitors within the facility as defined in the [Department of Health's COVID-19 Outbreak Definition for Healthcare Settings](#), including any subsequent amendments. Subject to applicable privacy and confidentiality laws and rules, create and maintain a list of staff, patients, contractors, volunteers, and visitors with confirmed or suspected cases or exposure.

- Exclude employees infected with or with known or suspected high-risk exposure to COVID-19 from the workplace in accordance with the CDC's [Interim U.S. Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel with Potential Exposure to COVID-19](#) and [Criteria for Return to Work for Healthcare Personnel with SARS-CoV-2 Infection](#), including any subsequent amendments, subject to the direction of the local health jurisdiction.
- Promptly offer and make available, either on-site or by directing to an external local testing location, testing to employees who have signs or symptoms consistent with COVID-19.
- Educate patients about COVID-19 in a language they best understand. The education should include the signs, symptoms, and risk factors associated with COVID-19 and how to prevent its spread.
- Follow the requirements in Governor Inslee's Proclamation 20-46, et seq., [High-Risk Employees – Workers' Rights](#).
- Follow any direction, order, requirement, or guidance issued by the local health jurisdictions, DOH or L&I for the implementation of this proclamation.

In addition to the above requirements, hospitals and ambulatory surgical facilities must also meet the requirements below in order to provide non-urgent services, procedures, and surgeries. As provided above, if a hospital or ambulatory surgical facility cannot or does not comply with any of the requirements in the lists above or below, non-urgent services, procedures, and surgeries must be reduced or stopped until compliance is achieved and in accordance with the direction, order, requirements, or guidance issued by DOH or L&I, if any:

- For hospitals only, submit accurate and complete data, as required by any DOH guidelines, to the WA HEALTH data reporting system to allow for a state-wide common operating perspective on resource availability.
- To maintain health system capacity and staff readiness during the COVID-19 epidemic, hospitals that are engaged in the COVID-19 response must meet the following requirements when providing non-urgent services, procedures, and surgeries:
 - For hospitals as defined in RCW 70.41.410(1), assign nursing personnel for all non-urgent services, procedures, and surgeries in accordance with the hospital's nurse staffing plan adopted under RCW 70.41.420.
 - For hospitals that are employers within the meaning of RCW 49.12.480, provide employees, as defined in RCW 49.12.480(3)(a), who are providing non-urgent services, procedures, or surgeries, with meal and rest periods as required by WAC 296-126-092, except that rest periods must be scheduled and the employers must provide employees with uninterrupted meal and rest breaks, unless there is a clinical circumstance as described in RCW 49.12.480(1)(b)(ii) that interrupts the break.
 - For health care facilities, as defined in RCW 49.28.130(3)(a), do not require, compel, or force any employee, as defined in RCW 49.28.130(1)(a), who is providing non-urgent services, procedures, or surgeries, to work overtime, unless the circumstance falls under the exceptions listed in RCW 49.28.140(3)(d).
- For clinical procedures and surgeries, develop and implement setting-appropriate, pre-procedure COVID-19 testing protocols from DOH guidance or, if none is issued, relevant and reputable professional clinical sources and research.
- For employees with known or suspected high-risk workplace exposure to SARS-CoV-2, notification to the employee and, with the employee's authorization, to their union representative, if any, by the facility must occur within 24 hours of confirmed exposure.
- For all high-risk exposures, testing must be offered and made available within an appropriate timeframe in accordance with CDC guidelines for testing healthcare personnel. Testing must be conducted in accordance with the CDC's [Interim Guidance on Testing Healthcare Personnel for SARS-CoV-2](#), including any subsequent amendments, subject to the direction of the local health jurisdiction. Per the CDC, test results should be available rapidly, within 24 hours of specimen collection. If the health care facility is unable to provide testing results within this timeframe, the employee should be referred to another testing site.
- Healthcare organizations may, at times, due to PPE shortages created by disruptions to global supply chains, operate in a contingent/crisis mode regarding PPE usage. In such situations, healthcare organizations must utilize PPE protocols that are consistent with CDC guidelines for non-conventional PPE usage. During times when contingent/crisis PPE protocols are in use, healthcare organizations must implement active epidemiological monitoring protocols, including testing of all employees with COVID-19-like illness symptoms within 24 hours of the onset of those symptoms, and implement randomized surveillance testing of employees in consultation with the local health jurisdiction.
- Develop and implement, or continue, and regularly evaluate and improve a management/ employee/union (if applicable) group to review current PPE, projected PPE burn rates, and projected delivery of PPE supplies and understand how that impacts operations for PPE use twice a month.

FURTHERMORE, I hereby prohibit all health care, dental and dental specialty facilities, practices, and practitioners in Washington State from failing to comply with Department of Health and Department of Labor and Industries Division of Occupational Safety and Health rules and guidance on PPE.

ADDITIONALLY, for purposes of this proclamation, non-urgent health care and dental services, procedures, and surgeries are

those that, if delayed, are not anticipated to cause harm to the patient within 90 days. The decision to perform any surgery or procedure in health care, dental and dental specialty facilities and offices should be weighed against the following criteria when considering potential harm to a patient’s health and well-being:

- Expected advancement of disease process
- Possibility that delay results in more complex future surgery or treatment
- Increased loss of function
- Continuing or worsening of significant or severe pain
- Deterioration of the patient’s condition or overall health
- Delay would be expected to result in a less-positive ultimate medical or surgical outcome
- Leaving a condition untreated could render the patient more vulnerable to COVID-19 contraction, or resultant disease morbidity and/or mortality
- Non-surgical alternatives are not available or appropriate per current standards of care
- Patient’s co-morbidities or risk factors for morbidity or mortality, if inflicted with COVID-19 after procedure is performed

Diagnostic imaging, diagnostic procedures or testing should continue in all settings based on clinical judgment that uses the same definition of harm and criteria as listed above. The full suite of family planning services and procedures are not non-urgent.

ADDITIONALLY, when making health system care capacity decisions, health care, dental and dental specialty facilities, practices, and practitioners must, in addition to the above, consider:

- the level and trending of COVID-19 infections in the relevant geography,
- the availability of appropriate PPE,
- collaborative activities with relevant emergency preparedness organizations and/or local health jurisdictions,
- surge capacity of the hospital/care setting, and
- the availability of appropriate post-discharge options addressing transitions of care.

ADDITIONALLY, given the geographic diversity of Washington, the variability in COVID-19 disease burden within the state, and health care system capabilities and capacity, no uniform approach to expanding access to care is possible nor would any such approach be effective or wise. It is essential that health care system participants act with good judgment within the context of their patients’ needs, their environment, and their capabilities and capacity.

This Proclamation goes into effect at 12:01 a.m. on December 3, 2020, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Violators of this order may be subject to penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 25th day of November, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-77

College Bound Program Pledge Waivers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, 20-69 through 20-71, and 20-74 through 20-76, exercising my emergency powers under RCW 43.06.220 by

prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 et seq., *Stay Safe – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has hindered the ability of middle and high schools in Washington State to safely provide in-person classes and support services, resulting in most schools providing primarily remote instruction; and

WHEREAS, the College Bound Scholarship Program was established in RCW 28B.118 to encourage Washington students from low-income families to remain in school and aspire to attend college, which to be effective, requires recruitment by school teachers and counselors, a practice most effective when done in person; and

WHEREAS, the College Bound Scholarship Program serves the lowest quarter of our state's households by income; and

WHEREAS, RCW 28B.118.010(3) requires students to sign a pledge containing certain commitments that must be witnessed and sent to the office of student financial assistance, and if this process is not completed during the designated time period, students cannot receive College Bound Scholarship grants when they go to college even if they meet all the other income standards; and

WHEREAS, without in-person recruitment by teachers and counselors, due to COVID-19 health restrictions, completing this process is likely to be overlooked by students, resulting in a reduction in participation in this important program; and

WHEREAS, beginning in March 2020, as schools ceased physical operations due to the COVID-19 pandemic, College Bound Scholarship grant sign-up activity dropped significantly in both the 7th and 8th grades; now, as compared to 2019, 8th grade sign-ups are down 20% and 7th grade sign-ups are down almost 68%; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend a portion of RCW 28B.118, effective at 12:01 a.m. on December 8, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(g), I also find that strict

compliance with RCW 28B.118.010(3) will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in the provision of educational services to Washington State students and that the language of that statutory provision is hereby waived and suspended in its entirety, effective at 12:01 a.m. on December 8, 2020, until 11:59 p.m. on January 07, 2021.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

20-22.7

Truck Driver Hours

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, 20-69 through 20-71, and 20-74 through 20-77, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on December 2, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of February 28, 2021, or the revocation of the federally-declared COVID-19 national emergency, and expanded its application to include transportation of vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines related to the prevention of COVID-19, while continuing to impose specific restrictions and limitations on its application; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, maintaining a steady supply of livestock feed, vaccines and other medical and pharmaceutical supplies related to COVID-19, community and personal protective equipment materials, and food, paper products and other groceries continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the December 2, 2020, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on February 28, 2021, or the end of the COVID-19 pandemic emergency.

FURTHERMORE, to restate and clarify application of the Federal Motor Carrier Safety Administration Emergency Declaration 2020-002, issued initially on March 13, 2020, and most recently amended on December 2, 2020, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the December 2, 2020, order of the Federal Motor Carrier Safety Administration, and therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on February 28, 2021:

- (1) Livestock and livestock feed;
- (2) Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (3) Vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19;
- (4) Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; and
- (5) Food, paper products and other groceries for emergency restocking of distribution centers or stores.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-15, et seq.**

**20-15.10
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver’s licenses and identification cards; and

WHEREAS, on under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020 under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and that Proclamation 20-15, et seq., is hereby extended until 11:59 p.m. on January 19, 2021.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-20, et seq.**

20-20.10

Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on January 19, 2021.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-21, et seq.**

**20-21.10
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the waiver of the rule therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 21, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 21, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on December 21, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.**

**20-23.13
Ratepayer Assistance and Preservation of Essential Services**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my

emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, Washington State Utilities and Transportation Commission issued a moratorium that can be found [here](#) for disconnections for nonpayment through April 30, 2021, at which time the Commission will evaluate health and economic data to determine whether things have improved enough to lift the moratorium; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington

State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on April 30, 2021, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

20-28.14

Open Public Meetings Act and Public Records Act Proclamations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled *Stay Home – Stay Healthy*, which initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and which I later amended to *Safe Start – Stay Healthy” County-By- County Phased Reopening*, gradually relaxing those limitations based on county-by-county phasing; and, on November 16, 2020 I again amended 20-25, et seq., to *Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge*, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID- 19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to provide greater opportunity for the public to engage its governing bodies when public health circumstances safely allow, while continuing to maintain critical social distancing and other requirements to prevent further spread of the virus, it is necessary that I amend the prohibition on open public meetings to exempt from this prohibition all meetings as allowed in guidelines for “business meetings”, found in the “Miscellaneous Venues” guidance, and as incorporated into the Proclamation 20-25 et seq., *Stay Safe – Stay Healthy - Rollback of County- By-County Phased Reopening Responding to a COVID-19 Outbreak Surge*; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, to assist in the implementation of Proclamation 20-28, et seq., it is appropriate to restate in one document the prohibitions and the statutory waivers and suspensions currently in effect; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 restated herein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, (2) similarly extend the prohibitions herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (3) amend a prohibition herein as set out below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, and I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Prohibition:

Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Exemption from Prohibition:

As an exception to the above prohibition, public agencies holding public meetings may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are met:

1. The open public meeting complies with the guidelines for “business meetings”, found in the “Miscellaneous Venues” guidance [here](#), as incorporated into the Proclamation 20-25 et seq., *Stay Safe – Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge*; and
2. Any person wishing to attend in person a public meeting with an in-person component must be able to do so at a physical location meeting the requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
3. If at any time during a public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then adjourned, continued, or otherwise terminated; and
4. The public agency holding an in-person public meeting shall accommodate, to the extent practicable, those wishing to participate in and/or attend the public meeting (to include the press) by allowing persons to attend the meeting by listening and speaking through operable telecommunications devices (examples include using an attendee’s cell phone with service to connect to a conference calling service, or allowing persons to call in using an attendee’s cell phone with service); and
5. County and other local election canvassing boards performing operations related to the 2020 general election are exempt from the prohibitions set forth in this Proclamation to allow them to perform their operations openly and transparently, provided that such boards must (a) permit all persons entitled by law to observe such operations access sufficient to conduct such observation, and (b) follow Department of Health and Department of Labor and Industries guidelines related to facial coverings, social distancing, sanitizing, and other protective measures enacted in response to the COVID-19 pandemic.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety;
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:

“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”

- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.10
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020, effective date of January 1, 2021), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on December 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

**20-30.10
Unemployment Benefit – Job Search Requirements**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating to job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.10

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on January 19, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on January 19, 2021.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.10

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the rules waived and suspended therein in subsequent proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of

Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on January 19, 2021.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

20-41.11

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By- County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.9

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide and is causing a sustained economic slowdown throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, Washington State government agencies and employees provide services essential to address the COVID-19 pandemic, and to ensure that state employees will be timely paid and available, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.9

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer

or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20- 44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on January 19, 2021.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-45, et seq.**

20-45.9

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic violence reports, and domestic violence survivors must rely on protection orders, making access to emergency protection orders, access to expedient court review, processing, and service of orders vital to public safety; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal service and in-person hearings that may not be necessary or appropriate for the individual case to will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45, et seq., have been periodically reinstated and extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-45, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and

Proclamations 20-45, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.9

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq.,

have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-48, et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.11
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House of and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department

Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

**20-51.10
Community Associations Meetings and Late Fees**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, by the leadership of the

Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq.**

**20-52.9
Statewide Proclamations Relating to Long-Term Care**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of

Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until September 1, 2020, unless that date is further extended, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or September 1, 2020, in Proclamation 20-52.5;

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamation 20-52, et seq., to include waivers, suspensions and prohibitions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18 that are incorporated therein, address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I have subsequently issued

Proclamations 20-65, 20-66, and 20-74 dividing waivers, suspensions and prohibitions relating to certain programs into their topical areas and cross referencing applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, certain waivers, suspensions, and prohibitions remain incorporated within Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives, and which I recognized and similarly extended the prohibitions and waiver and suspension of rules in subsequent sequentially-numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, unless that date is further extended; and

WHEREAS, to fully extend any remaining elements of Proclamations 20-06, 20-10, 20-16, and 20-18, incorporated into and extended only by Proclamation 20-52, et seq., it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-52, et seq., to include the incorporated provisions of Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18, is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, unless that date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.**

20-56.7

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

20-58.6

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government starting with weeks of unemployment beginning on or after March 27, 2020, and ending on or before December 31, 2020, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state’s law;

and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 21, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 21, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.7

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the licensing of workers in the healthcare industry; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and suspension and waiver of rules in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.5

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4), which I acknowledged when extending the provisions therein in Proclamation 20-63.2; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 21, 2020; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 p.m. on December 21, 2020, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-64, et seq.**

20-64.4

Public Records Act – Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for "patients or clients" of "public health agencies," the courts have not interpreted the meaning of the term "client" or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an "other statute" in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related "other statutes" strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person's personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq.,

were extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially-numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-64, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-65, et seq.**

20-65.4

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et. seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65, 20-66, and 20-74 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents, to assist in the understanding, administration and

implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-65, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-66, et seq.**

20-66.4

Long-Term Care – Operations and Visitation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65, 20-66, and 20-74 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, the Department of Social and Health Services, and the Aging and Long-Term Support Administration recommended that certain statutory and rule waivers and suspensions contained in Proclamation 20-66, et seq., were no longer necessary; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, have been extended by the leadership of the Washington State Senate and House of Representatives, with modifications I requested, and which I have acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein, with modifications, in subsequent proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until

the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, et seq., is amended to (1) recognize the statutory waivers and suspensions extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-69, et seq.**

**20-69.3
Residency for Tuition Waivers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 epidemic has hindered the ability of institutions of higher education in Washington State to safely provide in-person classes, resulting in most institutions opting to provide primarily remote instruction, and many current students are now living and participating in their higher education from locations outside of Washington State; and

WHEREAS, universities that have reopened their campuses for in-person classes have experienced new outbreaks of COVID-19 among students; and

WHEREAS, Washington State's six public universities employ graduate students to perform teaching and research functions, and tuition waivers are a part of the compensation provided by contract to these employees, and many graduate students come from outside the state and country and are working remotely within online learning environments; and

WHEREAS, to assist in reducing the spread of COVID-19 by enabling persons to work remotely, and to continue providing teaching and research functions for the universities and their students, while remaining eligible for tuition waivers, on August 26, 2020, I issued Proclamation 20-69 waiving and suspending a portion of RCW 28B.15.014 to allow universities to grant tuition waivers to persons not residing within Washington State, which has been extended by subsequent amendments; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-69, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-69, et seq., is amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-74**

20-74.2

**Behavioral Health Association, Children’s Long-Term Inpatient Program and Residential Treatment Facilities –
Operations and Visitation**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents, patients and staff are at increased risk for severe COVID-19, including individuals in facilities administered by the Department of Social and Health Services Behavioral Health Administration (BHA), those facilities operated for the Children’s Long-Term Inpatient Program (CLIP) as contracted by the Health Care Authority (HCA), and Residential Treatment Facilities (RTF) as licensed by the Department of Health (DOH); and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into a BHA, CLIP, or RTF and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06 and 20-16, waiving and suspending specified statutes and rules, and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, the statutory waivers and suspensions in Proclamations 20-06 and 20-16 and other proclamations related to congregate care, such as long term health care facilities, were consolidated into Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in the proclamations consolidated into Proclamation 20-52, et seq., have been, with certain modifications by the leadership of the Washington State Senate and House of Representatives, extended until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., addressed a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-63, 20-65, 20-66, and 20-74 that divided some of the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., into their topical areas and cross referenced applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-74, including all of the prior proclamations' statutory waivers and suspensions contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-74, it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-74, which incorporates portions or all of the waivers and suspensions contained in Proclamations 20-06, 20-16, and 20-52, et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

FURTHERMORE, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health* 20-03, et seq., initially issued on June 24, 2020, found [here](#), and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to BHA, CLIP and RTF contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq. The recognition and extension of current waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq., remain in effect as stated in Proclamations 20-06, 20-16, and 20-52, et seq., or as otherwise extended.

ADDITIONALLY, and as a point of clarification, due to code renumbering, the statutory waiver in Proclamation 20-74 of RCW 71.34.355(4) is now found at RCW 71.34.355(1)(d). This is a change in statutory numbering only; the language waived remains the same.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.8

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to increase its spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, several vaccines have now been developed for use against the virus that causes COVID-19, and the need for rapid inoculation of health care workers, particularly vulnerable individuals, and ultimately the general public, requires the waiver and suspension of additional rules that regulate pharmacies, and requires an amendment to the existing prohibition contained in Proclamation 20-36 et seq., to allow pharmacies the flexibility to store the vaccines and other treatments outside of the main pharmacy location and to relax the requirements for supervision of non-pharmacy staff who need to access the storage areas where the vaccines and treatments are stored; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or January 19, 2021, whichever occurs first; (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on January 19, 2021; (3) waive and suspend additional rules as set out below, and (4) amend a prohibition herein as set out below.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 (2)(g), I also find that strict compliance with the following regulatory obligations or limitations will prevent the health care system in Washington State from meeting the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the following language of each regulatory provision specified below is now hereby waived and suspended, until 11:59 p.m. on January 8, 2021:

- WAC 246-945-230(3)(a), (b), and (d), in their entirety; and (4) – the following language only: “is issued to a location and”

Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, and to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

- WAC 246-945-410(10)(b) – the following language only: “under the immediate supervision of the pharmacist”

Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

FURTHERMORE, the prohibition issued pursuant to RCW 43.06.220(1)(h) provides that the waivers and suspensions of the statutory language below:

- RCW 18.64.043(1) - the following language only: “of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,”
- RCW 18.64.043(2)(a) - the following language only: “of location” in the first sentence.
- RCW 18.64.043(3) – the following language only: “and to keep the license of location or the renewal thereof properly exhibited in said pharmacy”

do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, is hereby amended to provide that the waivers and suspensions also apply to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 9th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

**20-25.9
“STAY SAFE– STAY HEALTHY”
ROLLBACK OF COUNTY-BY-COUNTY PHASED REOPENING RESPONDING TO A COVID-19 OUTBREAK
SURGE**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “*Stay Home – Stay Healthy*,” and later changed to “*Safe Start – Stay Healthy*” *County-By-County Phased Reopening* found [here](#), in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances and then gradually relaxed those limitations based on county-by-county phasing established according to metrics provided by the Secretary of Health; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place today; and

WHEREAS, on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20-03.1*, found [here](#), which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, the number of COVID-19 cases continue to dramatically increase in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020, and have not significantly improved since; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a primary factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, to reduce the severe increases in COVID-19 cases and hospitalizations we are currently facing, and to reduce the increase in deaths from COVID-19 that likely will follow, it is necessary to immediately modify prior prohibitions and guidance, and to issue further guidance as it is developed; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., renamed “Stay Safe – Stay Healthy” are amended to extend all of the prohibitions described herein until this order is amended or rescinded. Except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, found [here](#), and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.

FURTHERMORE, pursuant to RCW 43.06.220(3), the prohibitions set forth in Proclamations 20-25, et seq., continue to be modified, with amendments, as set forth below. Unless otherwise specifically noted, the modifications herein take effect immediately. All modifications to existing phased prohibitions set forth herein shall expire at 11:59 p.m., Monday, January 4, 2021, unless otherwise extended.

If an activity is not listed below, currently existing guidance shall continue to apply. If current guidance is more restrictive than the below listed restrictions, the most restrictive guidance shall apply. These below modifications do not apply to education (including but not limited to K-12, higher education, trade and vocational schools), childcare, recovery support groups, health care, and courts and judicial branch-related proceedings, all of which are exempt from the modifications and shall continue to follow current guidance. Terms used in this proclamation have the same definitions used in the *Safe Start Washington Phased Reopening County-by-County Plan*.

Modifications to existing phased prohibitions:

1. **Indoor Social Gatherings** with people from outside your household are prohibited unless they (a) quarantine for fourteen days (14) prior to the social gathering; or (b) quarantine for seven (7) days prior to the social gathering and receive a negative COVID-19 test result no more than 48-hours prior to the gathering. A household is defined as individuals residing in the same domicile.
2. **Outdoor Social Gatherings** shall be limited to five (5) people from outside your household.
3. **Restaurants and Bars** are closed for indoor dine-in service. Outdoor dining and to-go service are permitted, provided that all outdoor dining must comply with the requirements of the Outdoor Dining Guidance [here](#). Table size for outdoor dining is limited to a maximum of five (5) people. These modified restaurant and bar restrictions go into effect at 12:01 a.m. Wednesday, November 18, 2020.
4. **Fitness Facilities and Gyms** are closed for indoor operations. Outdoor fitness classes are permitted but are subject to and limited by the outdoor social gathering restriction listed above.
5. **Bowling Centers** are closed for indoor service.
6. **Miscellaneous Venues:** All retail activities and business meetings are prohibited. Only professional training and testing that cannot be performed remotely, as well as all court and judicial branch-related proceedings, are allowed. Occupancy in each meeting room is limited to 25 percent of indoor occupancy limits or 100 people, whichever is fewer.
 - Miscellaneous venues include: convention/conference centers, designated meeting spaces in a hotel, events centers, fairgrounds, sporting arenas, nonprofit establishment, or a substantially similar venue.
7. **Movie Theaters** are closed for indoor service. Drive-in movie theaters are permitted and must continue to follow current drive-in movie theater guidance.
8. **Museums/Zoos/Aquariums** are closed for indoor service.
9. **Real Estate:** Open houses are prohibited.
10. **Wedding and Funerals:** Ceremonies are limited to a total of no more than 30 people. Indoor singing during the ceremony is prohibited. Indoor receptions, wakes, or similar gatherings in conjunction with such ceremonies are prohibited. Singing during an outdoor ceremony is permitted, so long as the participants wear face coverings and otherwise comply with the Weddings and Funerals [Guidance](#).
11. **In-Store Retail** shall be limited to 25 percent of indoor occupancy limits, and common/congregate seating areas and indoor

dining facilities such as food courts are closed.

12. **Religious Services** are limited to 25 percent of indoor occupancy limits, or no more than 200 people, whichever is fewer. Congregation members/attendees must wear facial coverings at all times, and indoor congregation singing is prohibited. No choir, band, or ensemble shall perform during the service. Vocal or instrumental soloists are permitted to perform, and vocal soloists may have a single accompanist. Outdoor services must follow the Outdoor Dining Guidance, found [here](#), applicable to the structure or facility. Singing by congregation members during outdoor services is permitted, so long as the members wear face coverings and otherwise comply with the Outdoor Dining Guidance. Religious and Faith-Based Organization Guidance can be found [here](#).
13. **Professional Services** are required to mandate that employees work from home when possible and close offices to the public if possible. Any office that must remain open must limit occupancy to 25 percent of indoor occupancy limits.
14. **Personal Services** are limited to 25 percent of indoor occupancy limits.
 - Personal service providers include: cosmetologists, cosmetology testing, hairstylists, barbers, estheticians, master estheticians, manicurists, nail salon workers, electrologists, permanent makeup artists, tanning salons, and tattoo artists.
15. **Long-term Care Facilities:** Outdoor visits are permitted. Indoor visits are prohibited, but individual exceptions for an essential support person or end-of-life care are permitted. These restrictions are also extended to the facilities in Proclamation 20-74, et seq. All other provisions of Proclamations 20-66, et seq., and 20-74, et seq., including all preliminary criteria to allow any visitors, remain in effect.
16. **Youth and Adult Sporting Activities:** Indoor activities and all contests and games are prohibited. Outdoor activities shall be limited to intra-team practices only, with facial coverings required for all coaches, volunteers and athletes at all times.
17. **Singing in Enclosed Spaces:** In all other circumstances not specifically addressed in this order, group singing, with or without face coverings, with members who are outside of a person's household is prohibited in enclosed, indoor spaces. Outdoor singing, while participants wear face coverings, is permitted, so long as the activity otherwise complies with guidance specific to that activity.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance:

- (1) Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and (2) Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate

the prohibitions established in earlier proclamations.

Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 10th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-78

Safeguarding Public Trust and Stability in Local Health Jurisdictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, COVID-19 cases have significantly increased in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a primary factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, public health is essential for all Washingtonians, and local health jurisdictions, including county health departments, combined city-county health departments, and health districts, have unique insight into and primary responsibility for addressing the public health concerns and needs of the local communities within their jurisdictions; and

WHEREAS, local health jurisdictions work hard to gain the trust of those they serve, a trust that is vital to the ability of local health jurisdictions to effectively protect and promote public health, and many people look to their local health jurisdictions for a broad range of public health-related guidance, including localized pandemic guidance, and other services and resources, including testing, contact tracing and case investigations, outbreak control, personal protective equipment distribution, and consultation on the implementation of infection control measures; and

WHEREAS, local health jurisdictions have a critical role at all times, but their role is never more important than during a deadly public health crisis and pandemic; in that role, it is imperative to maintain public confidence in local health jurisdictions and maintain, to the greatest extent possible, uninterrupted access to local health jurisdictions and their services, as well as to ensure consistency in, and access to, health guidance; and

WHEREAS, notice and public discourse around the substantial restructuring or termination of a city-county health department or health district is demoralizing and distracting to the critical essential staff of the department or district at a time when staff are already overwhelmed, overworked, and their mental and physical health are at risk due to the pandemic; and

WHEREAS, the statewide health system is now receiving and administering vaccinations, the effective and focused coordination of which by the state and local public health jurisdictions is vital to ending the pandemic and saving lives, and which must not be disrupted by actions taken to fundamentally alter the administration and structure of these vital public health organizations, which will also confuse and undermine public trust in the public health system; and

WHEREAS, the continuity and stability of operations and services provided by local health jurisdictions are critical to the local and state-wide effort to combat this deadly public health crisis and pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, pursuant to RCW 43.06.220(1)(h), I hereby prohibit any party to an agreement to operate a combined city and county health department made under chapter 70.08 RCW or any member of a health district created under chapter 70.46 RCW from taking any action, whether under RCW 70.08.100, RCW 70.46.090, or any other law, pursuant to any other agreement, or on any other grounds, to terminate or commence or advance the legal process for termination of any agreement to operate a combined city and county health department or to withdraw or commence or advance the legal process for withdrawal from membership in any health district, except when:

1. Both parties to the agreement to operate a combined city and county health department or all members of the health district mutually agree to the termination or withdrawal; or
2. A party seeking to terminate the agreement or withdraw from the health district or the combined city-county health department requests and receives approval from the Washington State Secretary of Health. To approve the request, the Secretary of Health must determine, in the Secretary's sole discretion, that termination or withdrawal would not adversely affect the COVID-19 pandemic response. The Secretary must provide a final determination to the requester within 14 days of receiving the request.

This prohibition goes into effect immediately and shall remain in effect until the end of the emergency or until otherwise amended or rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Insee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-08, and 20-09, et seq.**

**20-09.3
Phased Reopening of K-12 Schools**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians' ability to participate in certain activities; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, health professionals and epidemiological modeling experts indicated that continued operation of schools could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, and 20-09, et seq., I prohibited public school districts, charter schools, and private schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, schools are the foundation of Washington's communities, and in addition to traditional classroom education, schools provide a variety of vital services to students, families and communities that play a vital role in students' ability to succeed, including academic supports, special education supports, health therapies, mental/behavioral supports, access to nutritious food, and other community services; and

WHEREAS, closing our schools has been stressful for all Washingtonians, and has been particularly difficult for children with heightened social, physical, developmental, or emotional needs, and those who rely on our schools to provide services, structure, and positive social interactions; and

WHEREAS, beyond COVID-19 infections, the pandemic has brought other health concerns. Recent data from the Centers for Disease Control and Prevention (CDC) show the proportion of emergency department visits related to mental health crisis has increased for young children and adolescents since the pandemic started, reaching levels in late-March through October 2020 substantially higher than during the same period in 2019; and

WHEREAS, in-person learning has a broad range of benefits for children beyond educational instruction, including the

development of social and emotional skills, and the absence of in-person learning may be particularly harmful for children living in poverty, children of color, English language learners, children with diagnosed disabilities, and young children, and can further widen inequities in our society; and

WHEREAS, the CDC recently recommended that K-12 schools should be the last settings to close after all other mitigation measures have been employed, and the first to reopen when they can do so safely; and

WHEREAS, although parents, students, school teachers, and administrators have made tremendous efforts to continue to function through distance learning, and I recognize their extraordinary resilience, strength, adaptability, and courage, all agree that re-opening our schools and restarting face-to-face learning as soon as can be safely accomplished will benefit our children, families and communities; and

WHEREAS, although Department of Health statistics indicate that the continuing rise in cases of COVID-19 and associated deaths in Washington State demonstrate the ongoing, present threat of this lethal disease, health professionals and epidemiological modeling experts believe that we have made adequate progress against COVID-19 as a state to modify current statewide closure of K-12 school facilities; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to re-open schools only through a careful, phased, flexible, and science-based approach; and

WHEREAS, the science suggests that by ensuring safe social distancing and hygiene practices, and modifying procedures and facilities, additional school functions can be conducted with limited risk of exposure and spread of COVID-19; and

WHEREAS, state, national and international research conducted on schools that are providing in- person learning has shown that, for the most part, schools are not centers of transmission for COVID- 19 infections, and detected transmission within schools tends to occur only on a limited basis if schools implement rigorous health and safety protocols; and

WHEREAS, school administrators and staff who work together to ensure health and safety protocols are rigorously implemented have demonstrated success in keeping schools open for full or partial in- person learning; and

WHEREAS, schools will continue to be prepared to be flexible to pivot in whole or in part to distance learning if there is a COVID-19 outbreak in their county or within their school community and to follow guidance from the Department of Health, the Department of Labor & Industries (L&I), and the Superintendent of Public Instruction to help mitigate risk to students, teachers, and the community; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08, and 20-09, et seq., are amended to extend all of the prohibitions and each expiration date therein until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, except as further amended pursuant to RCW 43.06.220(3) to exempt from the prohibitions and allow re-opening as provided in this order and subject to the requirements in the *K-12 Schools 2020-2021 Guidance* document found [here](#), and the School Employer Health and Safety Requirements found [here](#).

ADDITIONALLY, all school districts are prohibited from conducting in-person instruction unless they ensure that each of the following standards is met:

- As required by L&I's Division of Occupational Safety and Health rules mandating site specific accident prevention

programs and safety committees, each school district develops and implements an Accident Prevention Program (APP) as described in [WAC 296-800-140](#) and [WAC 296-800-130](#), including a COVID-19 prevention plan.

- Each employer or district, working with its school safety committee, ensures that the employer’s or districts school-specific COVID-19 prevention plan is effectively implemented at all times and the school safety committee makeup and conduct complies with applicable rules. At a minimum, each school COVID-19 prevention plan shall contain the following provisions:
 - The designated name(s) of the COVID-19 prevention plan supervisor(s);
 - Applicable procedures for, or reference to resources containing, employee mask requirements and respiratory protection programs specific to the school;
 - A requirement that the COVID-19 supervisor(s) ensure that all employees have been trained in COVID-19 prevention using the language they best understand;
 - A requirement that the COVID-19 supervisor(s) ensure adequate supplies (at least meeting minimum requirements) of required masks, respirators, and all other personal protective equipment are readily available at the school; and
 - Written procedures to implement the publication, [Employer Health & Safety Requirements for School Scenarios](#).

ADDITIONALLY, I recommend use of the Washington State Department of Health’s guidance to school districts and local health jurisdictions entitled, “[Tools to Prepare for Provision of In Person Learning among K-12 Students at Public and Private Schools during the COVID-19 Pandemic](#).” This document provides recommendations for modes of learning based on county-level COVID-19 health metric trends to support local school districts and public health officers as they work together to balance education and health care needs of their communities.

ADDITIONALLY, until there is broader distribution of an effective vaccine, effective treatment, or herd immunity, it is crucial, and therefore ordered, that schools implement and require all personal protective behaviors set forth in the *K-12 Schools 2020-2021 Guidance* documents.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect immediately and will remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 16th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-79

Employment Security Department– Lump Sum Retirement Benefits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-

person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in the State of Washington and has been processing a historic number of unemployment claims due to the layoffs resulting from the economic impact on employers caused by the COVID-19 pandemic and the imposition of necessary safe distancing requirements; and

WHEREAS, RCW 50.04.323(3), and associated WAC 192-190-020(1), require the Employment Security Department to prorate lump sum retirement benefits “over the life expectancy of the individual” claimant, and then deduct those benefits from a claimant’s weekly unemployment benefit; which require an inordinate amount of time for the Employment Security Department’s staff to process, even though these deductions, averaging seven dollars per week, are only subtracted from a claimant’s weekly benefit and are not subtracted from a claimant’s maximum available benefits, which means the amount deducted is usually paid later in the claim; and

WHEREAS, the Department of Health and the Center for Disease Control indicate that the numbers of cases of COVID-19 and associated deaths continues to increase dramatically across the United States and specifically in Washington State, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamations 20-25, et seq., that initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and later gradually relaxed those limitations based on county-by-county phasing, but on November 16, 2020, I was forced to again amend 20-25, et seq., in response to the surge of new cases of COVID-19 and resulting deaths in Washington State, to roll back the reopening of businesses and reestablishing limitations on community gatherings, which also impacts employment opportunities; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend RCW 50.04.323(3), and WAC 192-190-020(1), in their entirety, because they prevent, hinder or delay necessary action to provide unemployment compensation to workers who have been affected by the COVID-19 pandemic. The waivers and suspensions take effect immediately and will remain in effect until 11:59 p.m., January 16, 2021, or as otherwise amended or rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-80
DOC – Prison Commitments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, COVID-19 cases have significantly increased in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the Department of Corrections is currently experiencing a significant spike in COVID-19 cases, including at the intake and reception center for new incarcerations at the Washington Corrections Center, where the COVID-19 pandemic protocols require that newly committed individuals be isolated for 14 days upon arrival; and

WHEREAS, given that there are COVID-19 outbreaks at nearly all major correctional facilities across the state, transfers between facilities have essentially been halted to help mitigate the spread of the virus, resulting in overpopulation at the Washington Corrections Center, which is significantly complicating efforts to combat the pandemic; and

WHEREAS, language in RCW 72.02, RCW [70.48](#), and RCW [36.63](#) require counties to transfer, and the Department of Corrections to receive, newly committed individuals from the county jails in which they reside prior to commitment to a state correctional facility, despite the inability to safely house such individuals, making it is necessary to waive and suspend portions of those statutes

to allow the Department of Corrections to control the current outbreak; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to help preserve and maintain life, health, property or the public peace by retaining individuals recently committed to a state correctional facility in a county jail to allow for a temporary suspension of new intakes at the two state prison receptions centers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended, until 11:59 PM on January 3, 2021:

1. RCW [72.02.230](#) – in its entirety;
2. RCW [70.48.240](#) – in its entirety;
3. RCW [36.63.255](#) – in its entirety;
4. RCW [72.02.200](#) - only the words: “receiving and”; and

FURTHERMORE, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit, until 11:59 PM on January 3, 2021:

- 1) All public agencies from transporting any individual to a state correctional facility without the advance permission of the Department of Corrections, and
- 2) The Department of Corrections from receiving any individual from any public agency without receiving advance notice and providing advance permission for the transport of that individual to a state correctional facility.

Nothing in this proclamation is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-81
Employment Security Department - Suspension of Solvency Surcharge**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By- County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, I again amended 20-25, et seq., to “Stay Safe– Stay Healthy - Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge”, in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, as a result of the global COVID-19 pandemic, the social distancing required to bring it under control, and its impacts on Washington State, certain businesses, employees, and taxpayers are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited, with some businesses closing and employees suffering layoffs; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in the State of Washington and has been processing a historic number of unemployment claims due to the layoffs resulting from the economic impact on employers caused by the COVID-19 pandemic and the imposition of necessary safe distancing requirements; and

WHEREAS, RCW 50.29.041 requires the Employment Security Department to impose a two- tenths of one percent solvency surcharge on employer unemployment insurance tax rates when the balance in the unemployment trust fund on September 30 of each year is an amount that will provide fewer than seven months of benefits, which was the case on September 30, 2020, requiring the Employment Security Department to impose the surcharge on employers in 2021, which will only increase the current economic crisis for businesses and their employees, unless I waive and suspend RCW 50.29.041; and

WHEREAS, the Department of Health and the Center for Disease Control indicate that the numbers of cases of COVID-19 and associated deaths continues to increase dramatically across the Unites States and specifically in Washington State, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency

Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend RCW 50.29.041, in its entirety, because it prevents, hinders or delays necessary action in coping with the emergency and the response to the economic crisis resulting from the COVID-19 pandemic. The waiver and suspension takes effect immediately and will remain in effect until 11:59 p.m., January 16, 2021, or as otherwise amended or rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-82
Delaying Implementation of RCW 70A.530.020 - Single-Use Plastic Bags**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, I again amended to “Stay Safe – Stay Healthy – Rollback of County-By- County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early

September and since the latter part of October through December 2020, COVID-19 cases have significantly increased in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, new statute RCW 70A.530.020, which takes effect on January 1, 2021, places limitations on retail establishments' provision of paper and plastic bags to customers at a time when manufacturers of reusable plastic bags that comply with RCW 70A.530.020 have repurposed their factories to make personal protective equipment for use in response to the pandemic, making it difficult for retail establishments, many of which are essential businesses such as restaurants and grocers, to purchase reusable plastic bags; and

WHEREAS, due to safe distancing requirements, there is a significant increase in consumer demand for take-out food and groceries, both of which have increased the use of paper and plastic bags, and other alternatives to single-use plastic bags are not available in ample quantities; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend a statutory provision delaying a limitation on businesses that prevents, hinders or delays necessary action in coping with the COVID-19 pandemic.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with RCW 70A.530.020 will prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and therefore, RCW 70A.530.020 is hereby waived and suspended, effective at 11:59 PM on December 31, 2020 until 11:59 PM on January 30, 2021, or as amended or rescinded.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

20-25.10

“STAY SAFE – STAY HEALTHY”

ROLLBACK OF COUNTY-BY-COUNTY PHASED REOPENING RESPONDING TO A COVID-19 OUTBREAK SURGE

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “*Stay Home – Stay Healthy*,” and later changed to “*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*, found [here](#), in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances and then gradually relaxed those limitations based on county-by-county phasing established according to metrics provided by the Secretary of Health; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place today; and

WHEREAS, on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20- 03.1*, found [here](#), which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, the number of COVID-19 cases continue to dramatically increase in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020, and have not significantly improved since; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID- 19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a primary factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, to reduce the severe increases in COVID-19 cases and hospitalizations we are currently facing, and to reduce the increase in deaths from COVID-19 that likely will follow, it is necessary to immediately modify prior prohibitions and guidance, and to issue further guidance as it is developed; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., renamed “Stay Safe – Stay Healthy” are amended to extend all of the prohibitions described herein until this order is amended or rescinded. Except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, found [here](#), and all other provisions of Proclamations 20- 25, et seq., shall remain in full force and effect.

FURTHERMORE, pursuant to RCW 43.06.220(3), the prohibitions set forth in Proclamations 20- 25, et seq., continue to be modified, with amendments, as set forth below. Unless otherwise specifically noted, the modifications herein take effect immediately. All modifications to existing phased prohibitions set forth herein shall expire at 11:59 p.m., Monday, January 4, 2021, unless otherwise extended.

If an activity is not listed below, currently existing guidance shall continue to apply. If current guidance is more restrictive than the below listed restrictions, the most restrictive guidance shall apply. These below modifications do not apply to education (including but not limited to K-12, higher education, trade and vocational schools), childcare, recovery support groups, health care, and courts and judicial branch-related proceedings, all of which are exempt from the modifications and shall continue to follow current guidance. Terms used in this proclamation have the same definitions used in the *Safe Start Washington Phased Reopening County-by-County Plan*.

Modifications to existing phased prohibitions:

1. **Indoor Social Gatherings** with people from outside your household are prohibited unless they (a) quarantine for fourteen days (14) prior to the social gathering; or (b) quarantine for seven (7) days prior to the social gathering and receive a negative COVID-19 test result no more than 48-hours prior to the gathering. A household is defined as individuals residing in the same domicile.
2. **Outdoor Social Gatherings** shall be limited to five (5) people from outside your household.
3. **Restaurants and Bars** are closed for indoor dine-in service. Outdoor dining and to-go service are permitted, provided that all outdoor dining must comply with the requirements of the Outdoor Dining Guidance [here](#). Table size for outdoor dining is limited to a maximum of five (5) people. These modified restaurant and bar restrictions go into effect at 12:01 a.m. Wednesday, November 18, 2020.
4. **Fitness Facilities and Gyms** are closed for indoor operations. Outdoor fitness classes are permitted but are subject to and limited by the outdoor social gathering restriction listed above.
5. **Bowling Centers** are closed for indoor service.
6. **Miscellaneous Venues:** All retail activities and business meetings are prohibited. Only professional training and testing that cannot be performed remotely, as well as all court and judicial branch-related proceedings, are allowed. Occupancy in each meeting room is limited to 25 percent of indoor occupancy limits or 100 people, whichever is fewer.
 - Miscellaneous venues include: convention/conference centers, designated meeting spaces in a hotel, events centers, fairgrounds, sporting arenas, nonprofit establishment, or a substantially similar venue.
7. **Movie Theaters** are closed for indoor service. Drive-in movie theaters are permitted and must continue to follow current drive-in movie theater guidance.
8. **Museums/Zoos/Aquariums** are closed for indoor service.
9. **Real Estate:** Open houses are prohibited.
10. **Wedding and Funerals:** Ceremonies are limited to a total of no more than 30 people. Indoor singing during the ceremony is prohibited. Indoor receptions, wakes, or similar gatherings in conjunction with such ceremonies are prohibited. Singing during an outdoor ceremony is permitted, so long as participants wear face coverings and otherwise comply with the Weddings and Funerals [Guidance](#).
11. **In-Store Retail** shall be limited to 25 percent of indoor occupancy limits, and common/congregate seating areas and indoor dining facilities such as food courts are closed.
12. **Religious Services** are limited to 25 percent of indoor occupancy limits, with a recommended maximum of 200 people. Congregation members/attendees must wear facial coverings at all times, and indoor congregation singing is prohibited. No choir, band, or ensemble shall perform during the service, and congregation singing indoors is prohibited. Vocal or instrumental soloist performances are permitted with an accompanist so long as the performer wears a face covering. In the event the soloist is performing on a woodwind or brass instrument, the soloist may remove their face covering only during the performance. Both a soloist and the congregation are permitted to sing during outdoor services, so long as all singers

wear face coverings while singing. Religious and Faith-Based Organization Guidance can be found [here](#).

13. **Professional Services** are required to mandate that employees work from home when possible and close offices to the public if possible. Any office that must remain open must limit occupancy to 25 percent of indoor occupancy limits.
14. **Personal Services** are limited to 25 percent of indoor occupancy limits.
 - Personal service providers include: cosmetologists, cosmetology testing, hairstylists, barbers, estheticians, master estheticians, manicurists, nail salon workers, electrologists, permanent makeup artists, tanning salons, and tattoo artists.
15. **Long-term Care Facilities:** Outdoor visits are permitted. Indoor visits are prohibited, but individual exceptions for an essential support person or end-of-life care are permitted. These restrictions are also extended to the facilities in Proclamation 20-74, et seq. All other provisions of Proclamations 20-66, et seq., and 20-74, et seq., including all preliminary criteria to allow any visitors, remain in effect.
16. **Youth and Adult Sporting Activities:** Indoor activities and all contests and games are prohibited. Outdoor activities shall be limited to intra-team practices only, with facial coverings required for all coaches, volunteers and athletes at all times.
17. **Singing in Enclosed Spaces:** In all other circumstances not specifically addressed in this order, group singing, with or without face coverings, with members who are outside of a person's household is prohibited in enclosed, indoor spaces. Outdoor singing, while participants wear face coverings, is permitted, so long as the activity otherwise complies with guidance specific to that activity.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance: (1) Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and (2) Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 21st day of December, A.D., Two Thousand and Twenty

at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05**

20-83

Restrictions on Travelers from Countries where the SARS-CoV-2 Variant 501Y.V is Circulating

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19-related deaths in Washington State; and

WHEREAS, despite this guidance, COVID-19-related cases, hospitalizations and deaths have remained very high, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, there is evidence that the virus can be spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are an important factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, a new variant of the SARS-CoV-2 virus, 501Y.V, has been identified in the United Kingdom, South Africa and possibly other countries, which may be more transmissible than other variants; and

WHEREAS, to reduce chances of introduction of the SARS-CoV-2 variant 501Y.V into our State’s population, and to control the potential for further increasing the already severe numbers of COVID-19 cases, hospitalizations, and deaths we are currently facing, it is necessary to immediately prohibit from entering the State of Washington individuals who have been in any country where the SARS-CoV-2 variant 501Y.V has been circulating, including but not limited to the United Kingdom and South Africa, unless certain protective conditions have been met; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health

of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace, pursuant to RCW 43.06.220(1)(h), I amend Proclamation 20-05 to prohibit travel to the State of Washington as set out below.

FURTHERMORE, pursuant to RCW 43.06.220(1)(h), I hereby prohibit any individual who has been present within the prior 14 days in any country where the SARS-CoV-2 variant 501Y.V is circulating, as listed on the Department of Health's [website](#), including but not limited to the United Kingdom and South Africa, from entering or being present in the State of Washington unless they quarantine until fourteen days (14) after arriving in the State of Washington. Flight crew are exempt from this proclamation.

ADDITIONALLY, an individual is permitted to leave quarantine to do the following, provided that they avoid public transportation and ride-share services, wear a face covering, separate themselves from other people to the greatest extent reasonably possible, and follow other appropriate social distancing measures:

- As necessary, travel to and between a health care facility, their home, their place of residence, or an authorized quarantine facility;
- Obtain necessary medical care and COVID-19 testing, provided that they first make reasonable efforts to contact a health care provider before they leave quarantine; and
- Obtain necessary medications and supplies and services for family or household members and pets, such as groceries, food, and supplies for household consumption and use and products necessary to maintain safety, sanitation, and essential maintenance of the home or residence, provided that they first exhaust all reasonable alternatives, including, but not limited to, purchasing products online or by phone and having them delivered to their home or residence, asking for help from family, friends, or acquaintances, or contacting government or non-profit agencies for assistance.

ADDITIONALLY, an individual is also permitted and urged to leave quarantine if their home or place of residence is unsafe or becomes unsafe. When the individual's safety is secured, the individual is encouraged to contact an appropriate government agency for assistance in securing an alternate quarantine site.

ADDITIONALLY, these individuals are also strongly encouraged to get tested at least seven (7) days after entering Washington state.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance:

1. Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and
2. Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and as amended.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800- 14035](#), and Department of Labor & Industries-administered statutes.

3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. Additional guidelines for travel may be found at the United States Center for Disease Control and Prevention’s [website](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, this proclamation will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 21st day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-21, et seq.**

**20-21.11
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the waiver of the rule therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 21 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 28, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 28, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on December 28, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 22nd day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

20-58.7

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on December 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 28, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 28, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 22nd day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.6

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently was incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from Proclamations 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4), which I acknowledged when subsequently extending the provisions therein in Proclamation 20-63.2; and

WHEREAS, on December 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on December 28, 2020; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 p.m. on December 28, 2020, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 22nd day of December, A.D., Two Thousand and Twenty

at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

20-58.8

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on December 28, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 4, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 4, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.7

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently was incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from Proclamations 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4), which I acknowledged when subsequently extending the provisions therein in Proclamation 20-63.2; and

WHEREAS, on December 28, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 4, 2021; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 p.m. on January 4, 2021, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address

the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-84
Delaying Repeal of RCW 26.10**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, COVID-19-related cases, hospitalizations and deaths have remained very high, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the social distancing required in Proclamation 20-25 et seq., limited court access ordered by the judiciary, directives from public health authorities, and other restrictions issued in response to the COVID-19 pandemic, make access to Washington State Courts extremely limited; and

WHEREAS, pursuant to the Washington State Supreme Court’s prior orders, many Washington courts have taken important steps to protect public health while ensuring continued access to justice and essential court services, by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and, among other things, promulgating emergency rules as necessary; and

WHEREAS, despite extraordinary efforts, Washington State Superior Courts face a substantial and long- term backlog of cases. In August 2020, Superior Courts: (1) completed 3,014 civil cases as compared to 6,038 at the same time last year; (2) completed 1,969 criminal cases as compared to 2,940 at the same time last year; and (3) sentenced 1,141 defendants as compared to 2,048 defendants at the same time last year; and

WHEREAS, superior courts are diligently working to maintain essential court functions and move toward greater capacity while protecting the health of staff, lawyers, litigants, jurors, and the public; and

WHEREAS, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), repeals RCW 26.10 – relating to third party custody of minors, and Section 907 delays implementation of the repeal to January 1, 2021; and

WHEREAS, a waiver and suspension of Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020) and a portion of Section 907, to further delay to the repeal of RCW 26.10, will give the courts adequate time to transition cases filed before January 1, 2021 under RCW 26.10 to minor guardianships under new RCW 11.130, without which superior courts would be required to reconsider all pending third-party custody cases under the new law, essentially requiring such cases to start anew, delaying a permanent placement for the affected minors, further straining the capacity of the courts, and adding to the ever-mounting backlog; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend statutory provisions that prevents, hinders or delays necessary action in coping with the COVID-19 pandemic, by delaying the repeal of RCW 26.10 with respect to any case that has been filed on or before December 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), and a portion of Section 907, will prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and therefore, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020) is hereby waived and suspended in its entirety, and the number “905” is waived and suspended in Engrossed Substitute Senate Bill 6287, Section 907 (Chapter 312, Laws of 2020), which takes effect on 12:01AM on January 1, 2021 and shall remain in effect until 11:59 PM on January 30, 2021, or as amended or extended.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I hereby prohibit anyone from filing a new third party custody case pursuant to RCW 26.10 after 12:01AM on January 1, 2021, understanding that those affected may instead file a new case pursuant to the provisions of Engrossed Substitute Senate Bill 6287 (Chapter 312, Laws of 2020).

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING 20-05, 20-19, et seq.**

20-19.5

Evictions and Related Housing Practices

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on May 29, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-626, and ordered that courts should begin to hear non-emergency civil matters. While appropriate and essential to the operation of our state justice system, the reopening of courts could lead to a wave of new eviction filings, hearings, and trials that risk overwhelming courts and resulting in a surge in eviction orders and corresponding housing loss statewide; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;" and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who have lawfully occupied or resided in less traditional dwelling situations for 14 days or more, whether or not documented in a lease, including but not limited to roommates who share a home; long-term care facilities; transient housing in hotels and motels; "Airbnb's"; motor homes; RVs; and camping areas; and

WHEREAS, due to the impacts of the pandemic, individuals and families have had to move in with friends or family, and college students have had to return to their parents' home, for example, and such residents should be protected from eviction even though they are not documented in a lease. However, this order is not intended to permit occupants introduced into a dwelling who are not listed on the lease to remain or hold over after the tenant(s) of record permanently vacate the dwelling ("holdover occupant"), unless the landlord, property owner, or property manager (collectively, "landlord") has accepted partial or full payment of rent,

including payment in the form of labor, from the holdover occupant, or has formally or informally acknowledged the existence of a landlord-tenant relationship with the holdover occupant; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, as of November 2020, current information suggests that at least 165,000 tenants in Washington will be unable to pay their rent in the near future, reflecting the continued financial precariousness of many in the state. According to the state's unemployment information, as of December 2020, current data show there are nearly twice as many people claiming unemployment benefits in Washington than there were a year ago. This does not account for the many thousands of others who are filing claims with separate programs such as Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation: in December 2020, nearly 500,000 new and ongoing claims for unemployment-related assistance have been filed; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities, employment in essential business services, or otherwise engaged in permissible activities, and will promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (Stay Home – Stay Healthy), and I subsequently issued Proclamation 20-25.4 (“Safe Start – Stay Healthy” County-By-County Phased Reopening), wherein I amended and transitioned the previous proclamations’ “Stay Home – Stay Healthy” requirements to “Safe Start – Stay Healthy” requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, when I issued Proclamation 20-25.4 on May 31, 2020, I ordered that, beginning on June 1, 2020, counties would be allowed to apply to the Department of Health to move forward to the next phase of reopening more business and other activities; and by July 2, 2020, a total of five counties were approved to move to a modified version of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place while I work with the Department of Health and other epidemiological experts to determine appropriate strategies to mitigate the recent increased spread of the virus, and those strategies may include dialing back business and other activities; and

WHEREAS, on July 23, 2020, in response to the statewide increased rates of infection, hospitalizations, and deaths, I announced an expansion of the Department of Health’s face covering requirements and several restrictions on activities where people tend to congregate; and

WHEREAS, on October 6, 2020, due to the increased COVID-19 infection rates across the state, I announced that all counties will remain in their current reopening phases as a result of the continuing surge in COVID-19 cases across the state; and

WHEREAS, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through December, 2020, the number of COVID-19 cases continue to dramatically increase in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020, and have not significantly improved since; and

WHEREAS, when I issued Proclamation 20-19.3 on July 24, 2020, the Washington State Department of Health reported at least 51,849 confirmed cases of COVID-19 with 1,494 associated deaths; and as of December 30, 2020, there are at least 232,993 confirmed cases with 3,420 associated deaths; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the

Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19, et seq., are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until 11:59 p.m. on March 31, 2021, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, effective immediately and until 11:59 p.m. on March 31, 2021, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition does not apply to emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program. Emergency shelters should make every effort to work with shelter clients to find alternate housing solutions. This prohibition applies unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) provides at least 60 days' written notice of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury, and does not dispense landlords, property owners, or property managers from their notice obligations prior to entering the property, or from wearing face coverings, social distancing, and complying with all other COVID-19 safety measures upon entry, together with their guests and agents. Any eviction or termination of tenancy notice served under one of the above exceptions must independently comply with all applicable requirements under Washington law, and nothing in this paragraph waives those requirements.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) shows that at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that (a) the individual(s) named in the eviction order is creating a significant and immediate risk to the health, safety, or property of others; or (b) at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Local law enforcement may serve or otherwise act on eviction orders, including writs of restitution that contain the findings required by this paragraph.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to,

or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.

- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident; failure to provide a reasonable re-payment plan shall be a defense to any lawsuit or other attempts to collect.**
- Nothing in this order precludes a landlord, property owner, or property manager from engaging in customary and routine communications with residents of a dwelling or parcel of land occupied as a dwelling. “Customary and routine” means communication practices that were in place prior to the issuance of Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a resident of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation without threatening eviction; or are otherwise consistent with this order. Within these communications and parameters, it is permissible for landlords, property owners and property managers to provide information to residents regarding financial resources, including coordinating with residents in applying for rent assistance through the state’s Emergency Rent Assistance Program (ERAP) or an alternative state rent assistance program, and to provide residents with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent for any dwelling or parcel of land occupied as a dwelling. This prohibition does not apply to a landlord, property owner, or property manager who provides (a) advance notice of a rent increase required by RCW 59.20.090(2) (Manufactured/Mobile Home Landlord-Tenant Act), or (b) notice of a rent increase specified by the terms of the existing lease, provided that (i) the noticed rent increase does not take effect until after the expiration of Proclamation 20-19, et seq., and any modification or extension thereof, and (ii) the notice is restricted to its limited purpose and does not contain any threatening or coercive language, including any language threatening eviction or describing unpaid rent or other charges. Unless expressly permitted in this or a subsequent order, under no circumstances may a rent increase go into effect while this Proclamation, or any extension thereof, is in effect. Except as provided below, this prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak. This prohibition does not apply to commercial rental property if rent increases were included in an existing lease agreement that was executed prior to February 29, 2020 (pre-COVID-19 state of emergency).
- Landlords, property owners, and property managers are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings. Nothing in this order prevents a landlord from seeking to engage in reasonable communications with tenants to explore re-payment plans in accordance with this order.
- The preceding prohibitions do not apply to operators of long-term care facilities licensed or certified by the Department of Social and Health Services to prevent them from taking action to appropriately, safely, and lawfully transfer or discharge a resident for health or safety reasons, or a change in payer source that the facility is unable to accept, in accordance with the laws and rules that apply to those facilities. Additionally, the above prohibition against increasing, or threatening to increase, the rate of rent for any dwelling does not apply to customary changes in the charges or fees for cost of care (such as charges for personal care, utilities, and other reasonable and customary operating expenses), or reasonable charges or fees related to COVID-19 (such as the costs of PPE and testing), as long as these charges or fees are outlined in the long-term care facility’s notice of services and are applied in accordance with the laws and rules that apply to those facilities, including any advance notice requirement.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health, safety, or property of others created by the resident” (a) is one that is described with particularity; (b) as it relates to “significant and immediate” risk to the health and safety of others, includes any behavior by a resident which is imminently hazardous to the physical safety of other persons on the premises (RCW 59.18.130 (8)(a)); (c) cannot be established on the basis of the resident’s own health condition or disability; (d) excludes the situation in which a resident who may have been exposed to, or contracted, the COVID-19, or is following Department of Health guidelines regarding isolation or quarantine; and (e) excludes circumstances that are not urgent in nature, such as conditions that were known or knowable to the landlord, property owner, or property manager pre-COVID-19 but regarding which that entity took no action.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is,

a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, it is also the intent of this order to extend state emergency rent assistance programs and to incorporate the newly approved federal rental assistance funding. The goal is to continue to provide a path for eligible tenants to seek rental assistance, but to now also allow landlords, property owners, and property managers to initiate an application for rental assistance. This process should be collaborative, and I encourage the nonprofit and philanthropic communities to continue their support of programs that help educate and inform both parties of the benefits of these rental assistance programs. Although a new program may need to be created for the newly approved federal rental assistance, all counties should consider the existing program in King County as a model for creating this path for landlords and property owners and property managers.

ADDITIONALLY, I want to thank the vast majority of tenants who have continued to pay what they can, as soon as they can, to help support the people and the system that are supporting them through this crisis. The intent of Proclamation 20-19, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. Landlords and tenants are expected to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions that all parties will need in order to overcome the severe challenges that COVID-19 has imposed for landlords and tenants alike. I strongly encourage landlords and tenants to avail themselves of the services offered at existing dispute resolution centers to come to agreement on payment and repayment solutions.

MOREOVER, as Washington State begins to emerge from the current public health and economic crises, I recognize that courts, tenants, landlords, property owners, and property managers may desire additional direction concerning the specific parameters for reasonable re-payment plans related to outstanding rent or fees. This is best addressed by legislation, and I invite the state Legislature to produce legislation as early as possible during their next session to address this issue. I stand ready to partner with our legislators as necessary and appropriate to ensure that the needed framework is passed into law.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.12
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our

workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on December 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, I subsequently issued Proclamation 20-49.11 amending Proclamations 20-49, et seq., to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, the federal government has issued additional federal COVID-19 stimulus payments under legislation that was not addressed in Proclamations 20-49, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to address federal stimulus payments issued specifically in response to the ongoing COVID-19 pandemic. This proclamation shall remain in effect until termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, except as otherwise prohibited or limited by state or federal law, the statutory waivers and suspensions of Proclamations 20-49, et seq., which operate to prohibit garnishments for consumer debt in certain circumstances, (a) are not applicable to bank account funds other than federal stimulus payments issued in response to the COVID-19 pandemic and state and federal unemployment payments; and (b) are not applicable to garnishments for continuing liens on earnings (wages), and have not

been applicable to garnishments for continuing liens on earning since May 27, 2020.

ADDITIONALLY, whereas state law provides specific exemptions from execution, attachment and garnishment for certain personal property, including an exemption of \$2,000 in bank accounts from consumer debt garnishment, nothing in this proclamation may be construed to limit a consumer’s right to claim those exemptions or to challenge any garnishment proceeding.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.9

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to increase its spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, several vaccines have now been developed for use against the virus that causes COVID-19, and the need for rapid inoculation of health care workers, particularly vulnerable individuals, and ultimately the general public, requires the waiver and suspension of additional rules that regulate pharmacies, and requires an amendment to the existing prohibition contained in Proclamation 20-36 et seq., to allow pharmacies the flexibility to store the vaccines and other treatments outside of the main pharmacy location and to relax the requirements for supervision of non-pharmacy staff who need to access the storage areas where the vaccines and treatments are stored; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 7, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on January 19, 2021, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or January 19, 2021, whichever occurs first; (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on January 19, 2021; (3) waive and suspend additional rules as set out below, and (4) amend a prohibition herein as set out below.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 (2)(g), I also find that strict compliance with the following regulatory obligations or limitations will prevent the health care system in Washington State from meeting the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the following language of each regulatory provision specified below is now hereby waived and suspended, until 11:59 p.m. on January 19, 2021:

- WAC 246-945-230(3)(a), (b), and (d), in their entirety; and (4) – the following language only: “is issued to a location and”

Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, and to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

- WAC 246-945-410(10)(b) – the following language only: “under the immediate supervision of the pharmacist”

Pursuant to RCW 43.06.220(1)(h) this waiver and suspension does not apply except to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

FURTHERMORE, the prohibition issued pursuant to RCW 43.06.220(1)(h) provides that the waivers and suspensions of the statutory language below:

- RCW 18.64.043(1) - the following language only: “of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,”
- RCW 18.64.043(2)(a) - the following language only: “of location” in the first sentence.
- RCW 18.64.043(3) – the following language only: “and to keep the license of location or the renewal thereof properly exhibited in said pharmacy”

do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver, is hereby amended to provide that the waivers and suspensions also apply to the possession and storage at locations other than a pharmacy’s main location of COVID-19 vaccines and drugs for the treatment of COVID-19 for which the U.S. Food & Drug Administration has issued an emergency use authorization, license, or other approval.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described

above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

20-25.11

“STAY SAFE – STAY HEALTHY”

ROLLBACK OF COUNTY-BY-COUNTY PHASED REOPENING RESPONDING TO A COVID-19 OUTBREAK SURGE

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “*Stay Home – Stay Healthy*,” and later changed to “*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*, found [here](#), in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances and then gradually relaxed those limitations based on county-by-county phasing established according to metrics provided by the Secretary of Health; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place today; and

WHEREAS, on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20- 03.1*, found [here](#), which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through December, 2020, the number of COVID-19 cases continue to dramatically increase in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020, and have not significantly improved since; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention have provided health and safety guidance to reduce the risk of transmission of COVID- 19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a primary factor in the dangerous increase in COVID-19 cases and hospitalizations currently being experienced

in Washington; and

WHEREAS, to reduce the severe increases in COVID-19 cases and hospitalizations we are currently facing, and to reduce the increase in deaths from COVID-19 that likely will follow, it is necessary to immediately modify prior prohibitions and guidance, and to issue further guidance as it is developed; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., renamed “Stay Safe – Stay Healthy” are amended to extend all of the prohibitions described herein until this order is amended or rescinded. Except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, found [here](#), and all other provisions of Proclamations 20- 25, et seq., shall remain in full force and effect.

FURTHERMORE, pursuant to RCW 43.06.220(3), the prohibitions set forth in Proclamations 20- 25, et seq., continue to be modified, with amendments, as set forth below. Unless otherwise specifically noted, the modifications herein take effect immediately. All modifications to existing phased prohibitions set forth herein shall expire at 11:59 p.m., Monday, January 11, 2021, unless otherwise extended.

If an activity is not listed below, currently existing guidance shall continue to apply. If current guidance is more restrictive than the below listed restrictions, the most restrictive guidance shall apply. These below modifications do not apply to education (including but not limited to K-12, higher education, trade and vocational schools), childcare, recovery support groups, health care, and courts and judicial branch-related proceedings, all of which are exempt from the modifications and shall continue to follow current guidance. Terms used in this proclamation have the same definitions used in the *Safe Start Washington Phased Reopening County-by-County Plan*.

Modifications to existing phased prohibitions:

1. **Indoor Social Gatherings** with people from outside your household are prohibited unless they (a) quarantine for fourteen days (14) prior to the social gathering; or (b) quarantine for seven (7) days prior to the social gathering and receive a negative COVID-19 test result no more than 48-hours prior to the gathering. A household is defined as individuals residing in the same domicile.
2. **Outdoor Social Gatherings** shall be limited to five (5) people from outside your household.
3. **Restaurants and Bars** are closed for indoor dine-in service. Outdoor dining and to-go service are permitted, provided that all outdoor dining must comply with the requirements of the Outdoor Dining Guidance [here](#). Table size for outdoor dining is limited to a maximum of five (5) people. These modified restaurant and bar restrictions go into effect at 12:01 a.m. Wednesday, November 18, 2020.
4. **Fitness Facilities and Gyms** are closed for indoor operations. Outdoor fitness classes are permitted but are subject to and limited by the outdoor social gathering restriction listed above.
5. **Bowling Centers** are closed for indoor service.
6. **Miscellaneous Venues:** All retail activities and business meetings are prohibited. Only professional training and testing that cannot be performed remotely, as well as all court and judicial branch-related proceedings, are allowed. Occupancy in each meeting room is limited to 25 percent of indoor occupancy limits or 100 people, whichever is fewer.
 - Miscellaneous venues include: convention/conference centers, designated meeting spaces in a hotel, events centers, fairgrounds, sporting arenas, nonprofit establishment, or a substantially similar venue.

7. **Movie Theaters** are closed for indoor service. Drive-in movie theaters are permitted and must continue to follow current drive-in movie theater guidance.
8. **Museums/Zoos/Aquariums** are closed for indoor service.
9. **Real Estate:** Open houses are prohibited.
10. **Wedding and Funerals:** Ceremonies are limited to a total of no more than 30 people. Indoor singing during the ceremony is prohibited. Indoor receptions, wakes, or similar gatherings in conjunction with such ceremonies are prohibited. Singing during an outdoor ceremony is permitted, so long as participants wear face coverings and otherwise comply with the Weddings and Funerals [Guidance](#).
11. **In-Store Retail** shall be limited to 25 percent of indoor occupancy limits, and common/congregate seating areas and indoor dining facilities such as food courts are closed.
12. **Religious Services** are limited to 25 percent of indoor occupancy limits, with a recommended maximum of 200 people. Congregation members/attendees must wear facial coverings at all times, and indoor congregation singing is prohibited. No choir, band, or ensemble shall perform during the service, and congregation singing indoors is prohibited. Vocal or instrumental soloist performances are permitted with an accompanist so long as the performer wears a face covering. In the event the soloist is performing on a woodwind or brass instrument, the soloist may remove their face covering only during the performance. Both a soloist and the congregation are permitted to sing during outdoor services, so long as all singers wear face coverings while singing. Religious and Faith- Based Organization Guidance can be found [here](#).
13. **Professional Services** are required to mandate that employees work from home when possible and close offices to the public if possible. Any office that must remain open must limit occupancy to 25 percent of indoor occupancy limits.
14. **Personal Services** are limited to 25 percent of indoor occupancy limits.
 - Personal service providers include: cosmetologists, cosmetology testing, hairstylists, barbers, estheticians, master estheticians, manicurists, nail salon workers, electrologists, permanent makeup artists, tanning salons, and tattoo artists.
15. **Long-term Care Facilities:** Outdoor visits are permitted. Indoor visits are prohibited, but individual exceptions for an essential support person or end-of-life care are permitted. These restrictions are also extended to the facilities in Proclamation 20-74, et seq. All other provisions of Proclamations 20-66, et seq., and 20-74, et seq., including all preliminary criteria to allow any visitors, remain in effect.
16. **Youth and Adult Sporting Activities:** Indoor activities and all contests and games are prohibited. Outdoor activities shall be limited to intra-team practices only, with facial coverings required for all coaches, volunteers and athletes at all times.
17. **Singing in Enclosed Spaces:** In all other circumstances not specifically addressed in this order, group singing, with or without face coverings, with members who are outside of a person's household is prohibited in enclosed, indoor spaces. Outdoor singing, while participants wear face coverings, is permitted, so long as the activity otherwise complies with guidance specific to that activity.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance: (1) Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and (2) Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 30th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

20-25.12

“HEALTHY WASHINGTON – ROADMAP TO RECOVERY”

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy – County-By-County Phased Reopening,” gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase and on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20-03.1*, found [here](#), which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths this fall and winter, Washington State has avoided overwhelming the state’s health care systems throughout this pandemic through rigorous safety and prevention measures, such as physical distancing and masking, as well as social and economic prohibitions; and

WHEREAS, a new and more contagious coronavirus variant, first identified in the United Kingdom and confirmed to now be in at least seven U.S. states and 33 countries, and a second new and more contagious coronavirus, first identified in South Africa, threaten to further strain our health care systems and therefore demand even more vigilance in our prevention measures; and

WHEREAS, now that two vaccines have been approved for use in the United States and efforts to vaccinate the most vulnerable populations are underway, it is appropriate to create a new roadmap to recovery that establishes the goal of safely easing some restrictions while also maintaining crucial hospital capacity, ensuring care for Washingtonians who need it, paving the way for economic recovery, and maintaining flexibility to quickly pivot to increase restrictions if needed; and

WHEREAS, achieving the goal that our health care systems are not overwhelmed during this pandemic is better and more appropriately served by shifting from a county-by-county approach to a regional approach that is substantially similar to existing emergency medical services regions; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., remains in full force and effect, but is hereby amended to be renamed “Healthy Washington – Roadmap To Recovery.” This *Healthy Washington – Roadmap To Recovery*, found [here](#), extends all of the prohibitions described in Proclamations 20-25, et seq., except as amended herein.

FURTHERMORE, for purposes of the prohibitions contained in the *Healthy Washington – Roadmap To Recovery*, every county is part of a region, and all regions begin in Phase 1 as of the effective date of this order. Any activities not specifically addressed in the *Healthy Washington – Roadmap To Recovery* plan are subject to previously issued guidance related to that activity as it applies to the region’s current or subsequent phase.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor’s Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency

Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 11th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

21-01

WAIVER OF IN-PERSON ADMINISTRATION OF OATH OF OFFICE

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there is evidence that the virus can be spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I have subsequently amended based on changing COVID-19 activity and is now entitled “Healthy Washington” and contains a flexible, science-based matrix for determining the level of restrictions in place in Washington 39 counties based on level of COVID-19 activity; and

WHEREAS, to protect the health and welfare of state officials and employees and the general public, Washington agencies and officials courts have imposed numerous restrictions, including holding proceedings remotely, strictly observing social distancing measures, suspending many in-building operations, and promulgating emergency rules as necessary; and

WHEREAS, despite this guidance, COVID-19-related cases, hospitalizations and deaths have remained very high, putting our people, our health system, our economy, and our government operations and services in as dangerous a position as we faced in March 2020; and

WHEREAS, pursuant to RCW 43.01.020, before entering upon the duties of their respective offices, the nine state-wide elected

officials referenced in this statute are required to swear or affirm an oath, which by statute shall be administered by one of the justices of the supreme court at the capitol; and

WHEREAS, allowing remote administration of the required oath by waiving the requirement that the oath be administered in-person at the capitol will retain the solemnity and importance of the oath while protecting the health and welfare of those administering, taking, and witnessing the ceremony; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with RCW 43.01.020 will prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and therefore, RCW 43.01.020 is amended by waiving and suspending the language indicated by strikethrough below, and the language of the statutory provision specified below is hereby waived and suspended as provided herein until the end of the emergency or 11:59 p.m. on January 15, 2021, whichever is first:
RCW 43.01.020 Oath of office.

The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: PROVIDED, That the oath of the secretary of state shall be filed in the office of the state auditor.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Signed and sealed with the official seal of the state of Washington on this 12th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-15, et seq.**

**20-15.11
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., and that Proclamation 20-15, et seq., is amended to recognize the extension of the statutory waivers and suspensions therein that by have been extended by the Washington State Legislature until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-20, et seq.**

**20-20.11
Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first and (2) similarly extend the prohibitions therein until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.**

20-23.14

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, Washington State Utilities and Transportation Commission issued a moratorium for disconnections for nonpayment through April 30, 2021, at which time the Commission will evaluate health and economic data to determine whether things have improved enough to lift the moratorium; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life

and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until termination of the State of Emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until the termination of the State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on April 30, 2021, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

20-28.15

Open Public Meetings Act and Public Records Act Proclamations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; too

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, and (2) similarly extend the prohibitions therein until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

20-30.11

Unemployment Benefit – Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating to job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency

pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

**20-31.11
Division of Child, Youth, and Families – Child Care and Background Checks**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the Washington Legislature until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.11

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the rules waived and suspended therein in subsequent proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature to until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers to until termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency

Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.10

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to increase its spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, several vaccines have now been developed for use against the virus that causes COVID-19, and the need for rapid inoculation of health care workers, particularly vulnerable individuals, and ultimately the general public, requires the waiver and suspension of additional rules that regulate pharmacies, and requires an amendment to the existing prohibition contained in Proclamation 20-36 et seq., to allow pharmacies the flexibility to store the vaccines and other treatments outside of the main pharmacy location and to relax the requirements for supervision of non-pharmacy staff who need to access the storage areas where the vaccines and treatments are stored; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waivers and suspensions of rules in Proclamations 20-36, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first; (2) similarly extend the prohibitions and waivers and suspensions of rules therein until the termination of the COVID-19 State of Emergency or until rescinded.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

20-41.12

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.10

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-

to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide and is causing a sustained economic slowdown throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address the COVID-19 pandemic, and to ensure that state employees will be timely paid and available, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees' ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.10

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20- 44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-45, et seq.**

**20-45.10
Protection Orders and Personal Service**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic violence reports, and domestic violence survivors must rely on protection orders, making access to emergency protection orders, access to expedient court review, processing, and service of orders vital to public safety; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal

service and in-person hearings that may not be necessary or appropriate for the individual case to will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45, et seq., have been periodically reinstated and extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.10

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-48, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.13
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House of and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of

Proclamation 20-49, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

20-51.11

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq.

20-52.10

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of

Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until September 1, 2020, unless that date is further extended, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or September 1, 2020, in Proclamation 20-52.5;

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamation 20-52, et seq., to include waivers, suspensions and prohibitions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18 that are incorporated therein, address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I have subsequently issued Proclamations 20-65, 20-66, and 20-74 dividing waivers, suspensions and prohibitions relating to certain programs into their topical areas and cross referencing applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, certain waivers, suspensions, and prohibitions remain incorporated within Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives, and which I recognized and similarly extended the prohibitions and waiver and suspension of rules in subsequent sequentially-numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-52, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend any remaining elements of Proclamations 20-06, 20-10, 20-16, and 20-18, incorporated into and extended only by Proclamation 20-52, et seq., it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-52, et seq., to include the incorporated provisions of Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18, is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Legislature until of the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules until of the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.**

20-56.8

Governor’s Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes’ use of fuel tax refunds to highway- and transportation-related purposes;

and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic. I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-59, et seq.**

20-59.8

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the licensing of workers in the healthcare industry; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and suspension and waiver of rules in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-64, et seq.**

20-64.5

Public Records Act – Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for "patients or clients" of "public

health agencies,” the courts have not interpreted the meaning of the term “client” or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an “other statute” in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related “other statutes” strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person’s personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially-numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-64, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-65, et seq.**

20-65.5

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State’s congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et. seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65, 20-66, and 20-74 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents, to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-65, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-65, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the Washington State Legislature until the earlier of the termination of the COVID-19 State of Emergency or until rescinded, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic. I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-66, et seq.**

20-66.5

Long-Term Care – Operations and Visitation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 20- 66, and 20-74 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, the Department of Social and Health Services, and the Aging and Long-Term Support Administration recommended that certain statutory and rule waivers and suspensions contained in Proclamation 20-66, et seq., were no longer necessary; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, have been extended by the leadership of the Washington State Senate and House of Representatives, with modifications I requested, and which I have acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein, with modifications, in subsequent proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-66, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, et seq., is amended to (1) recognize the statutory waivers and suspensions extended by the leadership of the Washington State Legislature until the earlier of the termination of the COVID-19 State of Emergency or until rescinded, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-69, et seq.**

**20-69.4
Residency for Tuition Waivers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 epidemic has hindered the ability of institutions of higher education in Washington State to safely provide in-person classes, resulting in most institutions opting to provide primarily remote instruction, and many current students are now living and participating in their higher education from locations outside of Washington State; and

WHEREAS, universities that have reopened their campuses for in-person classes have experienced new outbreaks of COVID-19 among students; and

WHEREAS, Washington State's six public universities employ graduate students to perform teaching and research functions, and tuition waivers are a part of the compensation provided by contract to these employees, and many graduate students come from outside the state and country and are working remotely within online learning environments; and

WHEREAS, to assist in reducing the spread of COVID-19 by enabling persons to work remotely, and to continue providing teaching and research functions for the universities and their students, while remaining eligible for tuition waivers, on August 26, 2020, I issued Proclamation 20-69 waiving and suspending a portion of RCW 28B.15.014 to allow universities to grant tuition waivers to persons not residing within Washington State, which has been extended by subsequent amendments; and

WHEREAS, on January 15 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-69, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-69, et seq., is amended to recognize the extension of statutory waivers and suspensions, by the Washington State Legislature until the termination of the

COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-74**

20-74.3

**Behavioral Health Association, Children’s Long-Term Inpatient Program and Residential Treatment Facilities –
Operations and Visitation**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents, patients and staff are at increased risk for severe COVID-19, including individuals in facilities administered by the Department of Social and Health Services Behavioral Health Administration (BHA), those facilities operated for the Children’s Long-Term Inpatient Program (CLIP) as contracted by the Health Care Authority (HCA), and Residential Treatment Facilities (RTF) as licensed by the Department of Health (DOH); and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into a BHA, CLIP, or RTF and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06 and 20-16, waiving and suspending specified statutes and rules, and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, the statutory waivers and suspensions in Proclamations 20-06 and 20-16 and other proclamations related to congregate care, such as long term health care facilities, were consolidated into Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in the proclamations consolidated into Proclamation 20-52, et seq., have been, with certain modifications by the leadership of the Washington State Senate and House

of Representatives, extended until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., addressed a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-63, 20-65, 20-66, and 20-74 that divided some of the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., into their topical areas and cross referenced applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-74, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-74, it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-74, which incorporates portions or all of the waivers and suspensions contained in Proclamations 20-06, 20-16, and 20-52, et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed in those orders until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-79, et seq.**

20-79.1

Employment Security Department– Lump Sum Retirement Benefits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I have subsequently amended based on changing COVID-19 activity and is now entitled “Healthy Washington” and contains a flexible, science-based matrix for determining the level of restrictions in place in Washington counties based on level of COVID-19 activity; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in the State of Washington and has been processing a historic number of unemployment claims due to the layoffs resulting from the economic impact on employers caused by the COVID-19 pandemic and the imposition of necessary safe distancing requirements; and

WHEREAS, RCW 50.04.323(3), and associated WAC 192-190-020(1), require the Employment Security Department to prorate lump sum retirement benefits “over the life expectancy of the individual” claimant, and then deduct those benefits from a claimant’s weekly unemployment benefit; which require an inordinate amount of time for the Employment Security Department’s staff to process, even though these deductions, averaging seven dollars per week, are only subtracted from a claimant’s weekly benefit and are not subtracted from a claimant’s maximum available benefits, which means the amount deducted is usually paid later in the claim; and

WHEREAS, the Department of Health and the Center for Disease Control indicate that the numbers of cases of COVID-19 and associated deaths continues to increase dramatically across the United States and specifically in Washington State, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-79, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-79, et seq., it is also necessary for me to extend the waiver and suspension of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-79, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the legislature therein until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first and (2) similarly extend the waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency, or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-82**

20-82.1

Delaying Implementation of RCW 70A.530.020 - Single-Use Plastic Bags

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, and amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, I again amended to “Stay Safe – Stay Healthy – Rollback of County-By- County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September and since the latter part of October through December 2020, COVID-19 cases have significantly increased in

Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, new statute RCW 70A.530.020, which takes effect on January 1, 2021, places limitations on retail establishments' provision of paper and plastic bags to customers at a time when manufacturers of reusable plastic bags that comply with RCW 70A.530.020 have repurposed their factories to make personal protective equipment for use in response to the pandemic, making it difficult for retail establishments, many of which are essential businesses such as restaurants and grocers, to purchase reusable plastic bags; and

WHEREAS, due to safe distancing requirements, there is a significant increase in consumer demand for take-out food and groceries, both of which have increased the use of paper and plastic bags, and other alternatives to single-use plastic bags are not available in ample quantities; and

WHEREAS, in response to the COVID-19 emergency, on December 18, 2020, I issued 20-82, which delayed the January 1, 2021, effective date for RCW 70A.530.020, a statute relating to single-use plastic bags; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-82, were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-82, is amended to recognize the extensions of statutory waivers and suspensions by the legislature therein until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-84**

**20-84.1
Delaying Repeal of RCW 26.10**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy” County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, COVID-19-related cases, hospitalizations and deaths have remained very high, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the social distancing required in Proclamation 20-25 et seq., limited court access ordered by the judiciary, directives from public health authorities, and other restrictions issued in response to the COVID-19 pandemic, make access to Washington State Courts extremely limited; and

WHEREAS, pursuant to the Washington State Supreme Court’s prior orders, many Washington courts have taken important steps to protect public health while ensuring continued access to justice and essential court services, by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and, among other things, promulgating emergency rules as necessary; and

WHEREAS, despite extraordinary efforts, Washington State Superior Courts face a substantial and long- term backlog of cases. In August 2020, Superior Courts: (1) completed 3,014 civil cases as compared to 6,038 at the same time last year; (2) completed 1,969 criminal cases as compared to 2,940 at the same time last year; and (3) sentenced 1,141 defendants as compared to 2,048 defendants at the same time last year; and

WHEREAS, superior courts are diligently working to maintain essential court functions and move toward greater capacity while protecting the health of staff, lawyers, litigants, jurors, and the public; and

WHEREAS, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), repeals RCW 26.10 – relating to third party custody of minors, and Section 907 delays implementation of the repeal to January 1, 2021; and

WHEREAS, a waiver and suspension of Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020) and a portion of Section 907, to further delay to the repeal of RCW 26.10, will give the courts adequate time to transition cases filed before January 1, 2021 under RCW 26.10 to minor guardianships under new RCW 11.130, without which superior courts would be required to reconsider all pending third-party custody cases under the new law, essentially requiring such cases to start anew, delaying a permanent placement for the affected minors, further straining the capacity of the courts, and adding to the ever-mounting backlog; and

WHEREAS, in response to the COVID-19 emergency, on December 30, 2020, I issued 20-84, which waived Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), and parts of Section 907. I also prohibited anyone from filing new third party custody cases pursuant to RCW 26.10 after 12:01AM on January 1, 2021; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-84, were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant

to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-84, is amended to (1) recognize the extensions of statutory waivers and suspensions by the legislature therein until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first and (2) similarly extend the prohibitions therein until the termination of the COVID-19 State of Emergency, or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING 20-05**

21-02

EXTENDED ELIGIBILITY FOR FOSTER CARE SERVICES

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness

or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I subsequently amended based on changing COVID-19 activity in Washington and is now entitled “Healthy Washington” and enacts a flexible, science-based matrix based on COVID-19 activity to set appropriate restrictions for Washington’s counties; and

WHEREAS, the Department of Children, Youth and Families provides foster care services to Washington state children and youth; and

WHEREAS, under current law, upon reaching their 21st birthday, Washington children and youth are no longer eligible for foster care services; and

WHEREAS, in response to the ongoing effects of the COVID-19 pandemic, on December 27, 2020, the federal Consolidated Appropriations Act, 2021, was enacted, which (among other things) forbids states from refusing foster care services to persons who during the COVID-19 pandemic either have or will become too old to be eligible for such services, and eliminates certain additional eligibility requirements for foster care services; and

WHEREAS, to align with federal law and ensure Washington’s foster care services can be provided during the COVID-19 pandemic to persons who would otherwise be too old to be eligible for such services and to eliminate certain eligibility requirements for foster care services, while ensuring that appropriate age limitations continue to apply, the state must waive statutory provisions related to eligibility for foster care services and enact prohibitions related to foster care services eligibility; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended by waiving and suspending statutory language indicated by strikethrough below that serves to restrict continued or renewed eligibility for foster care services to persons who have turned or will turn 21 years old during the COVID-19 pandemic emergency, while simultaneously enacting prohibitions that will retain appropriate age-based restrictions on eligibility for foster care services.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the statutes listed below will prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and therefore, those statutory provisions listed below are amended by waiving and suspending the language indicated by strikethrough.

RCW 13.34.030 (waiver and suspension indicated by strikethrough):

- (2) "Child," "juvenile," and "youth" mean:
 - (a) Any individual under the age of eighteen years; or
 - (b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.
- ...
- (16) "Nonminor dependent" means any individual age eighteen to twenty- one years who is participating in extended foster care services authorized under RCW 74.13.031.

RCW 13.34.267 (waiver and suspension indicated by strikethrough):

- (1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall maintain the dependency proceeding for any youth who is dependent at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:
- ~~(a)~~ Enrolled in a secondary education program or a secondary education equivalency program;
 - ~~(b)~~ Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;
 - ~~(c)~~ Participating in a program or activity designed to promote employment or remove barriers to employment;
 - ~~(d)~~ Engaged in employment for eighty hours or more per month; or
 - ~~(e)~~ Not able to engage in any of the activities described in (a) through (d) of this subsection due to a documented medical condition.
- ...
- (4) The court shall dismiss the dependency proceeding for any youth who is a dependent and who, at the age of eighteen years, does not meet any of the criteria described in subsection (1)(a) through (e) of this section or does not agree to participate in the program.

RCW 13.34.268 (waiver and suspension indicated by strikethrough):

(1)(a) If a youth prior to reaching age twenty-one years requests extended foster care services from the department pursuant to RCW 74.13.336, and the department declines to enter into a voluntary placement agreement with the youth, the department must provide written documentation to the youth which contains:

RCW 74.13.020 (waiver and suspension indicated by strikethrough):

- (3) "Child" means:
- (a) A person less than eighteen years of age; or
 - (b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.
- (11) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

RCW 74.13.031 (waiver and suspension indicated by strikethrough):

- (11)(a) The department shall provide continued extended foster care services to nonminor dependents who are:
- ~~(i)~~ Enrolled in a secondary education program or a secondary education equivalency program;
 - ~~(ii)~~ Enrolled and participating in a postsecondary academic or postsecondary vocational education program;
 - ~~(iii)~~ Participating in a program or activity designed to promote employment or remove barriers to employment;
 - ~~(iv)~~ Engaged in employment for eighty hours or more per month; or
 - ~~(v)~~ Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.
- (b) To be eligible for extended foster care services, the nonminor dependent must have been dependent at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court may request extended foster care services before reaching age twenty-one years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement an unlimited number of times between ages eighteen and twenty-one.
- (c) The department shall develop and implement rules regarding youth eligibility requirements.
- (d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.
- (e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program an unlimited number of times through a voluntary placement agreement when he or she meets the eligibility criteria again

RCW 74.13.336 (waiver and suspension indicated by strikethrough):

- (1) A youth who has reached age eighteen years may request extended foster care services authorized under RCW 74.13.031 at any time before he or she reaches the age of twenty-one years if:
- (a) The dependency proceeding of the youth was dismissed pursuant to RCW 13.34.267(4) at the time that he or she reached age eighteen years; or
 - (b) The court, after holding the dependency case open pursuant to RCW 13.34.267(1), has dismissed the case because the youth became ineligible for extended foster care services.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace by retaining appropriate age-based restrictions on persons receiving foster care, I hereby prohibit persons who turned 21 years of age prior to April 1, 2020, from receiving foster care services from agencies of the State of Washington, except where federal law requires otherwise.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Unless extended or amended, the statutory waivers and suspensions and the prohibitions in this proclamation shall be in effect immediately and shall be in effect until February 28, 2021.

Signed and sealed with the official seal of the state of Washington on this 29th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

**20-22.8
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on December 2, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of February 28, 2021, or the revocation of the federally-declared COVID-19 national emergency, and expanded its application to include transportation of vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19, while continuing to impose specific restrictions and limitations on its application; and

WHEREAS, on February 17, 2021, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of May 31, 2021, or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, maintaining a steady supply of livestock feed, vaccines and other medical and pharmaceutical supplies related to COVID-19, community and personal protective equipment materials, and food, paper products and other groceries continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that

Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the February 17, 2021, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on May 31, 2021, or the end of the COVID-19 pandemic emergency.

FURTHERMORE, to restate and clarify application of the Federal Motor Carrier Safety Administration Emergency Declaration 2020-002, issued initially on March 13, 2020, and most recently amended on February 17, 2021, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the February 17, 2021, order of the Federal Motor Carrier Safety Administration, and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on May 31, 2021:

- (1) Livestock and livestock feed;
- (2) Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (3) Vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19;
- (4) Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; and
- (5) Food, paper products and other groceries for emergency restocking of distribution centers or stores.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments. Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of February, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-83**

**20-83.1
Restrictions on Travelers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I subsequently amended based on changing COVID-19 activity in Washington. That order is now entitled “Healthy Washington – Roadmap to Recovery” and enacts a flexible, science-based matrix based on COVID-19 activity to set appropriate restrictions for Washington’s counties; and

WHEREAS, although COVID-19-related cases, hospitalizations and deaths have consistently declined since early January 2021, health experts advise that these declines should not induce complacency in non-pharmaceutical interventions because significant cause for concern continues due to the emergence and exponential growth of COVID-19 variants, including but not limited to the B.1.1.7 variant; and

WHEREAS, there is evidence that the virus can be spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention (CDC) have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a significant factor in the new COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, new variants of COVID-19 (SARS-CoV-2 virus, 501Y.V) have been identified in the United Kingdom, South Africa and other countries, which may be more transmissible than other variants; and

WHEREAS, in January 2021, evidence of a potentially fast-spreading strain of the coronavirus known as B.1.1.7 was found in Washington State, and in February 2021, evidence of the B.1.351 variant was also found in Washington; and

WHEREAS, on January 12, 2021, the CDC issued an order establishing new travel requirements for all air passengers coming to the United States, including U.S. citizens, which, among other things, requires that all passengers obtain a negative COVID-19 test result or documentation of recovery from COVID-19 before boarding a flight to the United States, and the order further requires that all travelers wear a face covering on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace, pursuant to RCW 43.06.220(1)(h), I amend Proclamations 20- 05 and 20-83 to prohibit travel to the State of Washington as set out below.

ACCORDINGLY, pursuant to RCW 43.06.220(1)(h), I hereby prohibit any individual from traveling by air from any location outside of the United States to Washington state, directly or indirectly, unless that individual complies with the requirements established by the CDC that can be found at this [website](#). Individuals exempted from the CDC requirements are also exempt from

this proclamation.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, as a reminder, a travel advisory for all non-essential travel, issued on November 13, 2020, remains in effect. That advisory provides the following guidance:

1. Persons arriving in Washington from other states or countries, including returning Washington residents, should self-quarantine for 14 days after arrival. These persons should limit their interactions to their immediate household; and
2. Washingtonians are encouraged to stay home or in their region and avoid non-essential travel to other states or countries.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, and as amended.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as [WAC 296-800-14035](#), and Department of Labor & Industries- administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. Guidelines for other travel may be found at the CDC's [website](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, this proclamation will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 1st day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05**

21-04

EFSEC Informational Public Hearings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-

to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamation 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances; and, I subsequently amended that order based on changing COVID-19 activity in Washington, and it is now entitled “Healthy Washington,” and enacts a flexible, science-based matrix based on COVID-19 activity to set appropriate restrictions for Washington’s counties; and

WHEREAS, to ensure open government and enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, I issued Proclamation 20-28, et seq., prohibiting most in-person meetings and waiving and suspending laws and rules concerning RCW 42.30, the Open Public Meetings Act, that hindered conducting public meetings remotely; and

WHEREAS, the Energy Facility Site Evaluation Council (EFSEC) is responsible for reviewing applications to certify the siting of certain energy facilities in Washington, and under the requirements at RCW 80.50.090(1) and WAC 463-26-025(3), EFSEC must hold certain informational public hearings in the general proximity of a proposed project; and

WHEREAS, consistent with Proclamation 20-28, et seq., it is necessary to waive certain statutory and rule provisions relating to EFSEC’s informational public hearings involving the siting of energy facilities in Washington to allow them to occur remotely to maintain the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, while encouraging broader public observation and robust public comment opportunities from the comfort and safety of one’s home; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect and is hereby amended to waive statutory and rule provisions requiring public informational hearings to be held in a particular location to allow for appropriate social distancing necessary to avoid the further spread of COVID-19.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action to cope with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the original virus strain and variant strains continue to spread, and that the language of each statutory provision specified below is hereby waived and suspended:

- RCW 80.50.090(1)– only the following words as struck below:
“The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site.”
- WAC 463-26-025(3)– only the following words as struck below:

“The informational meeting shall be held in the general proximity of the proposed project as soon as practicable within sixty days after receipt of an application for site certification.”

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, to prohibit the Energy Facility Site Evaluation Council as follows:

from conducting the informational public hearing required by RCW 80.50.090(1) unless (a) the meeting is not conducted in-person and instead provides an option(s) and notice of the option(s) for the public to attend and provide input to the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

The statutory and rule waivers and prohibitions contained in this proclamation shall take effect on March 12, 2021 and terminate on April 11, 2021, unless further extended.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

EMERGENCY PROCLAMATION OF THE GOVERNOR

21-05

Children and Youth Mental Health Crisis

WHEREAS, on February 29, 2020, I proclaimed a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations; and

WHEREAS, I issued many amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including prohibiting most schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, as well as certain student educational and outreach services; and

WHEREAS, closing school facilities contributed to Washington’s efforts to minimize the spread and impact of COVID-19, but the closure of schools has also been stressful for many Washingtonians, particularly for many children and youth; and for many Washington children, it is feared that the lack of in-person learning and other school-based supports may result in gaps in students’ learning and development that may last a lifetime; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) noted that schools provide numerous benefits beyond education, including school meal programs and social, physical, behavioral, and mental health services, and because of their critical role for all children and the disproportionate impact that school closures can have on those with low incomes, K-12 schools should be the last settings to close after all other COVID-19 mitigation measures have been employed and the first to reopen when they can do so safely; and

WHEREAS, hospitals and health professionals who specialize in the treatment of children indicate that many of Washington’s children and youth are experiencing a significant mental and behavioral health crisis as a result of the ongoing pandemic, which has been exacerbated by continued isolation, difficulty engaging with virtual learning, and lack of regular in-person interaction with educators, school personnel, mentors and peers; and

WHEREAS, early school-age children are at a critical juncture for social and emotional learning, such as formation of positive relationships, peer interaction, self-awareness and self-management, development of social skills, and decision-making, and these domains are essential for school success but are not readily learned in the absence of in-person interaction; and

WHEREAS, pediatric physicians have recently observed the following:

- Since the physical closure of schools, pediatricians are seeing a significant increase in youth with eating disorders, anxiety, mood disorders, and depression with suicidal thoughts or self-harm behaviors; and

- Most families experience long wait times and limited access to mental health services; and
- LGBTQ2+ youth have specific challenges navigating limited social support when affirmation and support is particularly important, resulting in sleep disturbances, decreased physical activity leading to unhealthy weight gain, and abuse of substances; and
- A significant number of previously stable youth have experienced now-onset or exacerbated eating disorders, depression, or anxiety, with some requiring increased use of medications, hospitalization, or other higher levels of care; and
- Children are experiencing a significant sense of isolation and loss, which is negatively impacting their learning and grades; and
- Although we have, for the time being, averted the crisis of overwhelming hospital capacity related to COVID-19 cases, we are in the midst of another crisis related to the mental health of many of our children; and

WHEREAS, at nearly every data point, Sacred Heart Children’s Hospital in Spokane has reported a substantial increase in pediatric patients with behavioral health diagnoses as a primary concern during COVID-19, despite the general tendency to avoid health care settings to avoid exposure to COVID-19, including the following:

- Acute care admissions to its Inpatient Adolescent Psychiatric Unit increased 73% in 2020 as compared to 2019, and
- Acute care admissions to its General Pediatric Floor for behavioral health issues increased 68% in 2020 compared to 2019; and

WHEREAS, Seattle Children’s Hospital has reported that:

- The Psychiatric Unit is currently the most over-capacity/over-stressed part of the hospital; and
- Unlike before the COVID-19 pandemic, it is now normal for 1 to 2 children to be admitted every night at Seattle Children’s for attempted suicide; and
- Parent calls seeking referrals to outpatient mental health providers have significantly increased in 2020 compared to 2019; and

WHEREAS, Swedish Medical Center has reported that, despite a lack of designated pediatric inpatient psychiatry beds:

- The percentage of pediatric inpatient admissions in its hospital for behavioral health reasons and/or suicide attempt has dramatically increased from 7.5% in 2018, 6.2% in 2019, 10.8% in 2020, to 24.5% in the first 2 months of 2021; and
- During COVID-19, pediatric hospital physicians are seeing many more children and adolescents with new-onset depression and anxiety, initial suicide attempts, and new-onset need for behavioral health treatment; and

WHEREAS, Mary Bridge Children’s Hospital has reported:

- The 14-day medical admission rate for mental health reasons increased approximately 67% from March 2020 to February 2021; and
- 60% of patients admitted to medical wards for mental health reasons are age 15-18 and 40% of these patients are age 14 and younger; and

WHEREAS, University of Washington Medicine reports that for patients under the age of 27, depression and anxiety are now the two most common diagnoses, and, when compared against 2019 data, it has seen 1,723 more patients with depression and 2,968 more patients with anxiety in 2021; and

WHEREAS, recent data from the CDC also shows that the proportion of emergency department visits related to mental health crises has increased for young children and adolescents since the pandemic started, reaching levels in late-March through October 2020 substantially higher than during the same period in 2019; and in Washington State, preliminary data suggest the relative reported emergency department visit count for suicidal ideation, suspected suicide attempt, and psychological distress are higher in the first few weeks of 2021 than the rates in corresponding weeks of 2019 and 2020 and show an increase from the end of 2020; and

WHEREAS, the children and adolescents presenting in mental health crises to hospitals or emergency rooms are the most severe cases and represent just a small portion of the entire population of youth in Washington who are suffering from increased mental and behavioral health needs, educational setbacks, and developmental concerns; and

WHEREAS, the Office of Superintendent of Public Instruction reports that student absences increased by 60% for middle school students in January 2021 compared to January 2020. Across all grades, for students receiving English learner services and students whose families are experiencing poverty, absences doubled in that same timeframe. In addition, 25% of all high school students did not receive credit in at least one course this school year. This is a 42% increase from the 2019-2020 school year. The increase in not receiving credit in courses is most significant for students experiencing poverty, and disproportionately impact students who

are American Indian/Alaskan Native, and students who are Latino; and

WHEREAS, while school-age child care and youth development programs have been able to provide basic supports to some children, many programs and facilities that offer vital support to children and youth facing physical, mental, or socio-economic crises have been and remain unavailable due to restrictions imposed in response to the COVID-19 pandemic; and

WHEREAS, the multiple, overlapping effects on our children of continuing school facility closures on our children and adolescents constitutes an emergency related to and amplified by, but distinct from, the threat posed by the COVID-19 pandemic; and

WHEREAS, epidemiologists and infection prevention physicians, including those associated with the Washington Chapter of the American Academy of Pediatrics and the Washington Department of Health, believe that each region of our state has made adequate progress to reduce community levels of COVID-19 such that, by implementing multi-layered infection prevention protocols, K-12 school facilities can safely reopen for, at a minimum, hybrid learning; and

WHEREAS, on-campus, in-person instruction can be done safely, as evidenced by the demonstrated success of over 1,400 Washington schools that have experienced minimal in-school transmission; and

WHEREAS, health and worker safety protocols and measures must be followed to protect staff, students, and families; and

WHEREAS, increasing the option to return to school facilities for all K-12 students will help to prevent or curtail mental and behavioral health issues for many students by reducing isolation and improving in-person access to educators, school personnel, mentors and peers, but it is not a panacea for the long-standing need for accessible behavioral health services and supports for our children and youth. It is only a part of the solution to addressing mental and behavioral health issues for children and youth, many of whom will also need greater access to and availability of behavioral health services and supports, in and outside of schools, in order to forestall lifelong impacts from this pandemic; and

WHEREAS, teachers have been creative and have worked very diligently to provide remote learning, and some students and families have benefited from remote learning. But student/parental choice with regard to in-person learning must be respected during the ongoing pandemic, and remote-learning options must be preserved to serve those students; and

WHEREAS, the lack of statewide in-person K-12 schooling affects the life and health of our people as well as the economy of Washington State, and remains a public disorder or disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to alleviate the impacts to people, property, and infrastructure from the COVID-19 emergency and the new emergency developing from the lack of statewide in-person K-12 schooling; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency exists in all counties of Washington State due to the current status of the mental and behavioral health of many of Washington's children and youth, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from this mental health crisis.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the crisis. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit all public school districts, including charter schools, in the state of Washington from failing to offer all K-12 students the opportunity to engage in both remote/on-line instruction and on-campus/in-person instruction, otherwise known as a hybrid model of K-12 instruction, and I also hereby prohibit all public school districts, including charter schools, in the state of Washington from offering or continuing to offer a remote/online instruction option without also offering an on-campus/in-person instruction option that is consistent with Department of Health guidance, found [here](#), and the Department of Labor and Industries' requirements for employee safety as dictated by the School Employer Health and Safety Requirements found [here](#), and as further provided below:

- By April 5, 2021, all elementary grade students (K-5 or K-6, depending on the district) must be provided with an opportunity to engage in a hybrid model of instruction; and

- By April 19, 2021, all remaining K-12 students must be provided with an opportunity to engage in a hybrid model of instruction. School districts may stagger/phase-in grades to achieve this requirement by April 19, 2021; and
- By April 19, 2021, all school districts must offer at least 30% of average weekly instructional hours as on-campus, in-person instruction for all K-12 students who wish to attend in-person.
- In addition:
 - Under no circumstances may a student be offered less than 2 days (which may be partial days) of on-campus, in-person instruction per week; and
 - All school districts must continue to work to exceed the 30% minimum instructional hours, and must reach the school’s maximum capacity and maximum frequency of on- campus, in-person instruction that the school can provide, when all health and safety recommendations and requirements are applied, as soon as possible; and
 - If a school district currently provides a hybrid instruction model that deviates from the parameters specified above, the Office of Superintendent of Public Instruction may approve the schedule of any such school district operating unique hybrid learning models that meets the intent of the prohibitions in this order.

FURTHERMORE, I also hereby direct our Health Care Authority and Department of Health to immediately begin work on recommendations on how to support the behavioral health needs of our children and youth over the next 6 to 12 months and to address and triage the full spectrum of rising pediatric behavioral health needs.

ADDITIONALLY, I recommend use of the Washington State Department of Health’s guidance to school districts and local health jurisdictions entitled, “*Tools to Prepare for the Provision of In-Person Learning among K-12 Students Public and Private Schools during the COVID-19 Pandemic*” found [here](#). This document provides recommendations for modes of learning based on county-level COVID- 19 health metric trends to support local school districts and public health officers as they collaborate to balance community education and health care needs.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect immediately and will remain in effect until the end of this mental health emergency or until rescinded.

Signed and sealed with the official seal of the state of Washington on this 15th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.14
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths have continued, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn

throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, on March 11, 2021, President Joseph Biden signed into effect a significant federal supplemental COVID-19 financial relief package that includes federal payments to individuals designed to relieve the financial burdens resulting from the now full year-long global pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to preclude garnishment of all federal COVID-19 relief deposited into accounts specifically in response to the ongoing COVID-19 pandemic. This proclamation shall remain in effect until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

FURTHERMORE, except as otherwise prohibited or limited by state or federal law, the statutory waivers and suspensions of Proclamations 20-49, et seq., which operate to prohibit garnishments for consumer debt in certain circumstances, (a) are not applicable to bank account funds other than federal payments of any kind issued in response to the COVID-19 pandemic and state and federal unemployment payments; and (b) are not applicable to garnishments for continuing liens on earnings (wages), and have not been applicable to garnishments for continuing liens on earning since May 27, 2020. All other provisions in Proclamation 20-49 et seq., remain in full force and effect.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING 20-05 AND 20-19, et seq.**

20-19.6

Evictions and Related Housing Practices

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on May 29, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-626, and ordered that courts should begin to hear non-emergency civil matters. While appropriate and essential to the operation of our state justice system, the reopening of courts could lead to a wave of new eviction filings, hearings, and trials that risk overwhelming courts and resulting in a surge in eviction orders and corresponding housing loss statewide; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;" and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who have lawfully occupied or resided in less traditional dwelling situations for 14 days or more, whether or not documented in a lease, including but not limited to roommates who share a home; long-term care facilities; transient housing in hotels and motels; "Airbnb's"; motor homes; RVs; and camping areas; and

WHEREAS, due to the impacts of the pandemic, individuals and families have had to move in with friends or family, and college students have had to return to their parents' home, for example, and such residents should be protected from eviction even though they are not documented in a lease. However, this order is not intended to permit occupants introduced into a dwelling who are not listed on the lease to remain or hold over after the tenant(s) of record permanently vacate the dwelling ("holdover occupant"), unless the landlord, property owner, or property manager (collectively, "landlord") has accepted partial or full payment of rent, including payment in the form of labor, from the holdover occupant, or has formally or informally acknowledged the existence of a landlord-tenant relationship with the holdover occupant; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, as of March 2021, current information suggests that at least 76,000 tenants in Washington will be unable to pay their rent in the near future, reflecting the continued financial precariousness of many in the state. According to the state's unemployment information, significantly more people are claiming unemployment benefits in Washington now versus a year ago. This does not account for the many thousands of others who are filing claims with separate programs such as Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation: in December 2020, nearly 275,000 new and ongoing claims for unemployment-related assistance were filed; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities, employment in essential business services, or otherwise engaged in permissible activities, and will promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (Stay Home – Stay Healthy), and I subsequently issued Proclamation 20-25.4 ("Safe Start – Stay Healthy" County- By-County Phased Reopening), wherein I amended and transitioned the previous proclamations' "Stay Home – Stay Healthy" requirements to "Safe Start – Stay Healthy" requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, when I issued Proclamation 20-25.4 on May 31, 2020, I ordered that, beginning on June 1, 2020, counties would be allowed to apply to the Department of Health to move forward to the next phase of reopening more business and other activities; and by July 2, 2020, a total of five counties were approved to move to a modified version of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remained in place while I worked with the Department of Health and other epidemiological experts to determine appropriate strategies to mitigate the increased spread of the virus, and those strategies included dialing back business and other activities; and

WHEREAS, on July 23, 2020, in response to the statewide increased rates of infection, hospitalizations, and deaths, I announced an expansion of the Department of Health's face covering requirements and several restrictions on activities where people tend to congregate; and

WHEREAS, on October 6, 2020, due to the increased COVID-19 infection rates across the state, I announced that all counties would remain in their current reopening phases as a result of the continuing surge in COVID-19 cases across the state; and

WHEREAS, positive COVID-19-related cases and hospitalizations steadily rose from early September 2020, through early January, 2021, and the number of COVID-19 cases and COVID-19-related hospitalizations continue to put our people, our health system, and our economy in a precarious position; and

WHEREAS, when I issued Proclamation 20-19.3 on July 24, 2020, the Washington State Department of Health reported at least 51,849 confirmed cases of COVID-19 with 1,494 associated deaths; and as of March 15, 2020, there are at least 330,367 confirmed cases with 5,149 associated deaths; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19, et seq., are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until 11:59 p.m. on June 30, 2021, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, effective immediately and until 11:59 p.m. on June 30, 2021, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- (i) Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition does not apply to emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program. Emergency shelters should make every effort to work with shelter clients to find alternate housing solutions. This prohibition applies unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) provides at least 60 days' written notice of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury, and does not dispense landlords, property owners, or property managers from their notice obligations prior to entering the property, or from wearing face coverings, social distancing, and complying with all other COVID- 19 safety measures upon entry, together with their guests and agents. Any eviction or termination of tenancy notice served under one of the above exceptions must independently comply with all applicable requirements under Washington law, and nothing in this paragraph waives those requirements.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) shows that at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that
 - (a) the individual(s) named in the eviction order is creating a significant and immediate risk to the health, safety, or property of others; or (b) at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Local law enforcement may serve or otherwise act on eviction orders, including writs of restitution that contain the findings required by this paragraph.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the

non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.

- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident; failure to provide a reasonable re-payment plan shall be a defense to any lawsuit or other attempts to collect.**
- Nothing in this order precludes a landlord, property owner, or property manager from engaging in customary and routine communications with residents of a dwelling or parcel of land occupied as a dwelling. "Customary and routine" means communication practices that were in place prior to the issuance of Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a resident of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation without threatening eviction; or are otherwise consistent with this order. Within these communications and parameters, it is permissible for landlords, property owners and property managers to provide information to residents regarding financial resources, including coordinating with residents in applying for rent assistance through the state's Emergency Rent Assistance Program (ERAP) or an alternative state rent assistance program, and to provide residents with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- (b) Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent for any dwelling or parcel of land occupied as a dwelling. This prohibition does not apply to a landlord, property owner, or property manager who provides (a) advance notice of a rent increase required by RCW 59.20.090(2) (Manufactured/Mobile Home Landlord-Tenant Act), or notice of a rent increase specified by the terms of the existing lease, provided that (i) the noticed rent increase does not take effect until after the expiration of Proclamation 20-19, et seq., and any modification or extension thereof, and (ii) the notice is restricted to its limited purpose and does not contain any threatening or coercive language, including any language threatening eviction or describing unpaid rent or other charges. Unless expressly permitted in this or a subsequent order, under no circumstances may a rent increase go into effect while this Proclamation, or any extension thereof, is in effect. Except as provided below, this prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak. This prohibition does not apply to commercial rental property if rent increases were included in an existing lease agreement that was executed prior to February 29, 2020 (pre-COVID-19 state of emergency).
- Landlords, property owners, and property managers are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings. Nothing in this order prevents a landlord from seeking to engage in reasonable communications with tenants to explore re-payment plans in accordance with this order.
- The preceding prohibitions do not apply to operators of long-term care facilities licensed or certified by the Department of Social and Health Services to prevent them from taking action to appropriately, safely, and lawfully transfer or discharge a resident for health or safety reasons, or a change in payer source that the facility is unable to accept, in accordance with the laws and rules that apply to those facilities. Additionally, the above prohibition against increasing, or threatening to increase, the rate of rent for any dwelling does not apply to customary changes in the charges or fees for cost of care (such as charges for personal care, utilities, and other reasonable and customary operating expenses), or reasonable charges or fees related to COVID-19 (such as the costs of PPE and testing), as long as these charges or fees are outlined in the long-term care facility's notice of services and are applied in accordance with the laws and rules that apply to those facilities, including any advance notice requirement.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a "significant and immediate risk to the health, safety, or property of others created by the resident" (a) is one that is described with particularity; (b) as it relates to "significant and immediate" risk to the health and safety of others, includes any behavior by a resident which is imminently hazardous to the physical safety of other persons on the premises (RCW 59.18.130 (8)(a)); (c) cannot be established on the basis of the resident's own health condition or disability; (d) excludes the situation in which a resident who may have been exposed to,

or contracted, the COVID-19, or is following Department of Health guidelines regarding isolation or quarantine; and (e) excludes circumstances that are not urgent in nature, such as conditions that were known or knowable to the landlord, property owner, or property manager pre-COVID-19 but regarding which that entity took no action.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, it is also the intent of this order to extend state emergency rent assistance programs and to incorporate the newly approved federal rental assistance funding. The goal is to continue to provide a path for eligible tenants to seek rental assistance, but to now also allow landlords, property owners, and property managers to initiate an application for rental assistance. This process should be collaborative, and I encourage the nonprofit and philanthropic communities to continue their support of programs that help educate and inform both parties of the benefits of these rental assistance programs. Although a new program may need to be created for the newly approved federal rental assistance, all counties should consider the existing program in King County as a model for creating this path for landlords and property owners and property managers.

ADDITIONALLY, I want to thank the vast majority of tenants who have continued to pay what they can, as soon as they can, to help support the people and the system that are supporting them through this crisis. The intent of Proclamation 20-19, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. Landlords and tenants are expected to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions that all parties will need in order to overcome the severe challenges that COVID-19 has imposed for landlords and tenants alike. I strongly encourage landlords and tenants to avail themselves of the services offered at existing dispute resolution centers to come to agreement on payment and repayment solutions.

MOREOVER, as Washington State begins to emerge from the current public health and economic crises, I recognize that courts, tenants, landlords, property owners, and property managers may desire additional direction concerning the specific parameters for reasonable re- payment plans related to outstanding rent or fees. This is best addressed by legislation, and I invite the state Legislature to produce legislation as early as possible during their next session to address this issue. I stand ready to partner with our legislators as necessary and appropriate to ensure that the needed framework is passed into law.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.**

**20-23.15
Ratepayer Assistance and Preservation of Essential Services**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, Washington State Utilities and Transportation Commission issued a moratorium for disconnections for nonpayment through April 30, 2021, at which time the Commission will evaluate health and economic data to determine whether things have improved enough to lift the moratorium; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until termination of the State of Emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until the termination of the State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility’s COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 31, 2021, whichever comes first.

Citizens encountering financial difficulties should reach out to their local utility providers. Most utilities have adopted policies that can help with delinquent bills and ensure continued service after the moratorium expires.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. Utilities should prioritize use of customer support tools, particularly those that have accrued extensive utility bill arrearages, prior to the end of the moratorium, in order to help avoid credit and collections issues.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**EMERGENCY PROCLAMATION OF THE GOVERNOR
AMENDING PROCLAMATION 21.05**

**21-05.1
Children and Youth Mental Health Crisis**

WHEREAS, on February 29, 2020, I proclaimed a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations; and

WHEREAS, I issued many amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including prohibiting most schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, as well as certain student educational and outreach services; and

WHEREAS, closing school facilities contributed to Washington's efforts to minimize the spread and impact of COVID-19, but the closure of schools has also been stressful for many Washingtonians, particularly for many children and youth; and for many Washington children, it is feared that the lack of in-person learning and other school-based supports may result in gaps in students' learning and development that may last a lifetime; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) noted that schools provide numerous benefits beyond education, including school meal programs and social, physical, behavioral, and mental health services, and because of their critical role for all children and the disproportionate impact that school closures can have on those with low incomes, K-12 schools should be the last settings to close after all other COVID-19 mitigation measures have been employed and the first to reopen when they can do so safely; and

WHEREAS, hospitals and health professionals who specialize in the treatment of children indicate that many of Washington's children and youth are experiencing a significant mental and behavioral health crisis as a result of the ongoing pandemic, which has been exacerbated by continued isolation, difficulty engaging with virtual learning, and lack of regular in-person interaction with educators, school personnel, mentors and peers; and

WHEREAS, early school-age children are at a critical juncture for social and emotional learning, such as formation of positive relationships, peer interaction, self-awareness and self-management, development of social skills, and decision-making, and these domains are essential for school success but are not readily learned in the absence of in-person interaction; and

WHEREAS, pediatric physicians have recently observed the following:

- Since the physical closure of schools, pediatricians are seeing a significant increase in youth with eating disorders, anxiety, mood disorders, and depression with suicidal thoughts or self-harm behaviors; and
- Most families experience long wait times and limited access to mental health services; and
- LGBTQ2+ youth have specific challenges navigating limited social support when affirmation and support is particularly important, resulting in sleep disturbances, decreased physical activity leading to unhealthy weight gain, and abuse of substances; and
- A significant number of previously stable youth have experienced now-onset or exacerbated eating disorders, depression, or anxiety, with some requiring increased use of medications, hospitalization, or other higher levels of care; and
- Children are experiencing a significant sense of isolation and loss, which is negatively impacting their learning and grades; and
- Although we have, for the time being, averted the crisis of overwhelming hospital capacity related to COVID-19 cases, we are in the midst of another crisis related to the mental health of many of our children; and

WHEREAS, at nearly every data point, Sacred Heart Children's Hospital in Spokane has reported a substantial increase in pediatric patients with behavioral health diagnoses as a primary concern during COVID-19, despite the general tendency to avoid health care settings to avoid exposure to COVID-19, including the following:

- Acute care admissions to its Inpatient Adolescent Psychiatric Unit increased 73% in 2020 as compared to 2019, and
- Acute care admissions to its General Pediatric Floor for behavioral health issues increased 68% in 2020 compared to 2019; and

WHEREAS, Seattle Children's Hospital has reported that:

- The Psychiatric Unit is currently the most over-capacity/over-stressed part of the hospital; and
- Unlike before the COVID-19 pandemic, it is now normal for 1 to 2 children to be admitted every night at Seattle Children's for attempted suicide; and
- Parent calls seeking referrals to outpatient mental health providers have significantly increased in 2020 compared to 2019; and

WHEREAS, Swedish Medical Center has reported that, despite a lack of designated pediatric inpatient psychiatry beds:

- The percentage of pediatric inpatient admissions in its hospital for behavioral health reasons and/or suicide attempt has dramatically increased from 7.5% in 2018, 6.2% in 2019, 10.8% in 2020, to 24.5% in the first 2 months of 2021; and
- During COVID-19, pediatric hospital physicians are seeing many more children and adolescents with new-onset depression and anxiety, initial suicide attempts, and new-onset need for behavioral health treatment; and

WHEREAS, Mary Bridge Children’s Hospital has reported:

- The 14-day medical admission rate for mental health reasons increased approximately 67% from March 2020 to February 2021; and
- 60% of patients admitted to medical wards for mental health reasons are age 15-18 and 40% of these patients are age 14 and younger; and

WHEREAS, University of Washington Medicine reports that for patients under the age of 27, depression and anxiety are now the two most common diagnoses, and, when compared against 2019 data, it has seen 1,723 more patients with depression and 2,968 more patients with anxiety in 2021; and

WHEREAS, recent data from the CDC also shows that the proportion of emergency department visits related to mental health crises has increased for young children and adolescents since the pandemic started, reaching levels in late-March through October 2020 substantially higher than during the same period in 2019; and in Washington State, preliminary data suggest the relative reported emergency department visit count for suicidal ideation, suspected suicide attempt, and psychological distress are higher in the first few weeks of 2021 than the rates in corresponding weeks of 2019 and 2020 and show an increase from the end of 2020; and

WHEREAS, the children and adolescents presenting in mental health crises to hospitals or emergency rooms are the most severe cases and represent just a small portion of the entire population of youth in Washington who are suffering from increased mental and behavioral health needs, educational setbacks, and developmental concerns; and

WHEREAS, the Office of Superintendent of Public Instruction reports that student absences increased by 60% for middle school students in January 2021 compared to January 2020. Across all grades, for students receiving English learner services and students whose families are experiencing poverty, absences doubled in that same timeframe. In addition, 25% of all high school students did not receive credit in at least one course this school year. This is a 42% increase from the 2019-2020 school year. The increase in not receiving credit in courses is most significant for students experiencing poverty, and disproportionately impact students who are American Indian/Alaskan Native, and students who are Latino; and

WHEREAS, while school-age child care and youth development programs have been able to provide basic supports to some children, many programs and facilities that offer vital support to children and youth facing physical, mental, or socio-economic crises have been and remain unavailable due to restrictions imposed in response to the COVID-19 pandemic; and

WHEREAS, the multiple, overlapping effects on our children of continuing school facility closures on our children and adolescents constitutes an emergency related to and amplified by, but distinct from, the threat posed by the COVID-19 pandemic; and

WHEREAS, epidemiologists and infection prevention physicians, including those associated with the Washington Chapter of the American Academy of Pediatrics and the Washington Department of Health, believe that each region of our state has made adequate progress to reduce community levels of COVID-19 such that, by implementing multi-layered infection prevention protocols, K-12 school facilities can safely reopen for, at a minimum, hybrid learning; and

WHEREAS, on-campus, in-person instruction can be done safely, as evidenced by the demonstrated success of over 1,400 Washington schools that have experienced minimal in-school transmission; and

WHEREAS, on March 19, 2021, the CDC issued updated K-12 education [guidance](#) revising physical distancing recommendations to reflect at least 3 feet between students in classrooms, and providing clearer guidance when a greater distance, such as 6 feet, is recommended; and

WHEREAS, on March 25, 2021, the Washington Department of Health issued updated K-12 guidance that aligns with CDC’s physical distancing recommendations and the science on COVID-19 transmission in K-12 schools; and

WHEREAS, on March 25, 2021, the Department of Labor and Industries’ updated its health and worker safety protocols and measures, which must be followed to protect staff, students, and families; and

WHEREAS, increasing the option to return to school facilities for all K-12 students will help to prevent or curtail mental and behavioral health issues for many students by reducing isolation and improving in-person access to educators, school personnel, mentors and peers, but it is not a panacea for the long-standing need for accessible behavioral health services and supports for our children and youth. It is only a part of the solution to addressing mental and behavioral health issues for children and youth, many of whom will also need greater access to and availability of behavioral health services and supports, in and outside of schools, in order to forestall lifelong impacts from this pandemic; and

WHEREAS, teachers have been creative and have worked very diligently to provide remote learning, and some students and

families have benefited from remote learning. But student/parental choice with regard to in-person learning must be respected during the ongoing pandemic, and remote-learning options must be preserved to serve those students; and

WHEREAS, the lack of statewide in-person K-12 schooling affects the life and health of our people as well as the economy of Washington State, and remains a public disorder or disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to alleviate the impacts to people, property, and infrastructure from the COVID-19 emergency and the new emergency developing from the lack of statewide in-person K-12 schooling; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency exists in all counties of Washington State due to the current status of the mental and behavioral health of many of Washington's children and youth, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from this mental health crisis.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the crisis. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit all public school districts, including charter schools, in the state of Washington from failing to offer all K-12 students the opportunity to engage in both remote/on-line instruction and on-campus/in-person instruction, otherwise known as a hybrid model of K-12 instruction, and I also hereby prohibit all public school districts, including charter schools, in the state of Washington from offering or continuing to offer a remote/online instruction option without also offering an on-campus/in-person instruction option that is consistent with Department of Health guidance, found [here](#), and the Department of Labor and Industries' requirements for employee safety as dictated by the School Employer Health and Safety Requirements found [here](#), and as further provided below:

- By April 5, 2021, all elementary grade students (K-5 or K-6, depending on the district) must be provided with an opportunity to engage in a hybrid model of instruction; and
- By April 19, 2021, all remaining K-12 students must be provided with an opportunity to engage in a hybrid model of instruction. School districts may stagger/phase-in grades to achieve this requirement by April 19, 2021; and
- By April 19, 2021, all school districts must offer at least 30% of average weekly instructional hours as on-campus, in-person instruction for all K-12 students who wish to attend in-person.
- In addition:
 - All school districts are permitted, but not required, to follow the CDC's guidance for reopening K-12 schools, found [here](#), which provide, in part, that it is generally safe to reduce distance between students in the classroom from 6 feet to 3 feet. School districts are permitted, but not required, to follow the CDC's guidance immediately; and
 - Under no circumstances may a student be offered less than 2 days (which may be partial days) of on-campus, in-person instruction per week; and
 - All school districts must continue to work to exceed the 30% minimum instructional hours; and
 - Subject to the physical distancing parameters implemented by the school district, all school districts must reach the school's maximum capacity and maximum frequency of on-campus, in-person instruction that the school can provide, when all health and safety recommendations and requirements are applied, as soon as possible; and
 - If a school district currently provides or proposes to adopt a hybrid instruction model that deviates from the parameters specified above, the Office of Superintendent of Public Instruction may approve the schedule of any such school district operating unique hybrid learning models that meets the intent of the prohibitions in this order.

FURTHERMORE, I also hereby direct our Health Care Authority and Department of Health to immediately begin work on recommendations on how to support the behavioral health needs of our children and youth over the next 6 to 12 months and to address and triage the full spectrum of rising pediatric behavioral health needs.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect immediately and will remain in effect until the end of this mental health emergency or until rescinded.

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-83**

**20-83.2
Restrictions on Travelers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I subsequently amended based on changing COVID-19 activity in Washington. That order is now entitled “Healthy Washington – Roadmap to Recovery” and enacts a flexible, science-based matrix based on COVID-19 activity to set appropriate restrictions for Washington’s counties; and

WHEREAS, although COVID-19-related cases, hospitalizations and deaths have consistently declined since early January 2021, health experts advise that these declines should not induce complacency in non-pharmaceutical interventions because significant cause for concern continues due to the emergence and exponential growth of COVID-19 variants, including but not limited to the B.1.1.7 variant; and

WHEREAS, there is evidence that the virus can be spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the Washington State Department of Health and the Centers for Disease Control and Prevention (CDC) have provided health and safety guidance to reduce the risk of transmission of COVID-19 generally and in specific sectors, environments, and settings, yet many individuals continue to disregard this guidance, and person-to-person interactions, including gatherings, have led to many infections and are a significant factor in the new COVID-19 cases and hospitalizations currently being experienced in Washington; and

WHEREAS, new variants of COVID-19 (SARS-CoV-2 virus, 501Y.V) have been identified in other countries, which may be more transmissible than other variants; and

WHEREAS, in January 2021, evidence of a potentially fast-spreading strain of the coronavirus known as B.1.1.7 was found in Washington State, and in February 2021, evidence of the B.1.351 variant was also found in Washington; and

WHEREAS, on January 12, 2021, the CDC issued an order establishing new travel requirements for all air passengers coming to the United States, including U.S. citizens, which, among other things, requires that all passengers obtain a negative COVID-19 test result or documentation of recovery from COVID-19 before boarding a flight to the United States, and the order further requires that all travelers wear a face covering on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations; and

WHEREAS, COVID-19, caused by a virus that spreads easily from person to person which may result in serious illness or death

and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially among our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that, to help preserve and maintain life, health, property or the public peace, pursuant to RCW 43.06.220(1)(h), I amend Proclamations 20-05 and 20-83 to prohibit travel to the State of Washington as set out below.

ACCORDINGLY, pursuant to RCW 43.06.220(1)(h), I hereby prohibit any individual from traveling by air from any location outside of the United States to Washington state, directly or indirectly, unless that individual complies with the requirements established by the CDC that can be found at this website. Individuals exempted from the CDC requirements are also exempt from this proclamation.

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust guidance accordingly.

ADDITIONALLY, I issued a travel advisory on November 13, 2020, recommending that travelers avoid non-essential travel and self-quarantine upon arriving in Washington from out of state. I rescinded that travel advisory on March 19, 2021, and instead recommended that travelers follow the CDC's COVID-19 travel guidance.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. Order of the Secretary of Health 20-03.1, issued on July 24, 2020, is incorporated by reference, and as amended.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules such as WAC 296-800-14035, and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. Guidelines for other travel may be found at the CDC's website.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

Unless extended or amended, this proclamation will continue to be in effect until the state of emergency, issued on February 29,

2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 5th day of April, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-46, et seq.**

20-46.3

High-Risk Employees – Workers’ Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-46 to protect our public and private sector workers in high-risk categories from the significant life, health and safety risks of the COVID-19 disease, requiring employers to seek any and all options for alternative work arrangements and to protect these workers from certain impacts to their employment and benefits; and

WHEREAS, on June 9, 2020, I issued Proclamation 20-46.1, extending the prohibitions in Proclamation 20-46 until August 1, 2020, and on July 29, 2020, I further extended the prohibitions with Proclamation 20-46.2 for the duration of the current state of emergency initially proclaimed in Proclamation 20-05, or until otherwise rescinded or amended; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state’s health care systems throughout this pandemic through rigorous safety and prevention measures, such as physical distancing and masking, as well as social and economic prohibitions; and

WHEREAS, through the tireless work of all Washingtonians and, as of April 5, 2021, the successful administration of 3,798,746 vaccine doses, fully immunizing more than one million Washingtonians, many hundreds of thousands of whom are high-risk individuals; the threat of COVID-19 to the lives of Washingtonians is decreasing; and

WHEREAS, the CDC reports that all vaccines available in Washington are safe and effective, having been evaluated using tens of thousands of participants in clinical trials and having proven to significantly decrease the likelihood of infection; and

WHEREAS, on January 11, 2021, I issued Proclamation 20-25.12, “Healthy Washington – Roadmap to Recovery,” wherein I found it appropriate to begin easing the prohibitions and restrictions critical to the state’s pandemic response; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect; that Proclamations 20-05 and 20-46, et seq., are amended to extend all of the prohibitions therein through the duration of the current state of emergency initially proclaimed in Proclamation 20-05, or until otherwise rescinded or amended; and that my memorandum to Proclamation 20-46.2, dated July 29, 2020, is rescinded as of April 23, 2021.

FURTHERMORE, for any high-risk worker who is unable to return to the workplace with or without accommodation due to the COVID-19 pandemic, employers **remain prohibited from**:

1. Failing to utilize all available options for alternative work assignments to protect high-risk employees, if requested, from exposure to COVID-19; and
2. Failing to permit any high-risk employee in a situation where an alternative work arrangement is not feasible to use any available employer-granted accrued leave or unemployment insurance, in any sequence, at the discretion of the employee; and
3. Taking adverse employment action against any employee for exercising their rights under this Proclamation that would result in loss of the employee's current employment position by permanent replacement; and
4. Making changes to a high-risk employee's accommodations under Proclamation 20-46, et seq., without providing the employee 14 calendar days' advanced written notice itemizing the changes. Notice may be provided as early as April 9, 2021.

Effective April 23, 2021, employers are **no longer prohibited from**:

1. Requiring medical verification from any employee who is availing themselves of the protections of this proclamation.
 - a. Medical verification shall include a determination of or medical opinion as to whether the employee is high risk and whether the employee may be able to return to the workplace with additional accommodations in place, taking into consideration the employee's medical condition, vaccination status, and the particular circumstances of their job or workplace.
 - b. For purposes of obtaining medical verification, employers must follow the same interactive process required by state and federal disability laws, ensuring that employees have a reasonable amount of time to respond. Employers and employees may commence the process on April 9, 2021, but employers **may not mandate** commencement prior to April 23, 2021.
2. Failing to fully maintain all employer-related health insurance benefits, starting in the calendar month following the month in which the 14-day notice described in paragraph 4, above, lapses; and unless the employee is otherwise eligible under the Family and Medical Leave Act of 1993, Pub.L. 103-3; a collective bargaining agreement; or other condition specific to the employment relationship.

For purposes of this Proclamation, a "high risk employee" is synonymous with any employee defined by the [Centers for Disease Control](#) as being more likely to get severely ill from COVID-19.

This Proclamation shall be construed to protect the employee, to the greatest extent possible, from loss of their position and retaliation for decisions made regarding whether and how to work for their employer pursuant to this Proclamation.

This Proclamation shall not be construed:

1. To prohibit an employer from hiring temporary employees so long as it does not negatively impact the permanent employee's right under this Proclamation to return to their employment position without any negative ramifications to their employment status by the employer; or
2. To prohibit an employer from requiring employees who do not report to work under this Proclamation to give up to five days' advance notice to the employer of any decision to report to work or return to work under this Proclamation; or
3. To prohibit an employer from taking employment action when no work reasonably exists, such as in a circumstance of a reduction in force, for a high-risk employee during this Proclamation. However, in the case that no work exists, employers shall not take action that may adversely impact an employee's eligibility for unemployment benefits; or
4. To apply any new rights or obligations created by this Proclamation 20-46.3 retroactively; or
5. To modify my prior clarification that employers may require medical verification from high-risk employees seeking to use any leave where a state or federal law, collective bargaining agreement, or contractual obligation separately requires verification; or
6. To minimize my strong support for telework, the use of alternative or remote work locations, reassignment, and social distancing measures where possible, all of which will continue to mitigate the spread of COVID-19 as employees, who cannot work remotely, return to the workplace; or
7. To minimize my strong support for employers to consider options, where feasible, to continue to provide assistance, including benefits, information, or other resources, to high-risk employees for the duration of the state of emergency.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of April, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.8

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases family financial resources are severely limited and many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, and therefore, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children under RCW 43.06.220(4); and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended several times by the leadership of the Washington State Senate and House of Representatives, and such extensions

ended on January 4, 2021, at which time not all of the leadership of the four legislative caucuses agreed to extend the proclamation and it terminated; and

WHEREAS, the Governor's authority under RCW 74.04.660(6), was amended to clarify the Governor's authority in Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021) which took effect on March 31, 2021, and gives the Governor the authority "[d]uring a state of emergency and pursuant to an order from the governor under this subsection," to extend benefits to individuals and families without children and to all for more than one period of time within any consecutive 12-month period, that is separate from, and in addition to, the authority established in RCW 43.06.220; and

WHEREAS, it is necessary to reinstate and amend the provisions and orders of Proclamation 20-63, et seq., to extend benefits under RCW 43.06.010(12) and RCW 74.04.660 to families without children and to order that they be provided for more than one period of time within any consecutive 12-month period, pursuant to Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021); and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, pursuant to RCW 43.06.010(12) and RCW 74.04.660(6), again authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children and order that they continue be provided, within the funds appropriated for this benefit, for more than one period of time within any consecutive 12-month period. This Proclamation and the order and authorization contained herein shall expire at 11:59 p.m. on June 12, 2021, or when funds appropriated for the disaster cash assistance program under Engrossed Substitute House Bill 1368, Section 8(1) are exhausted, whichever comes first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington on this 15th day of April, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

20-25.13

“HEALTHY WASHINGTON – ROADMAP TO RECOVERY”

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy – County-By-County Phased Reopening,” gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020 again amended 20-25, et seq., to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge,” in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase and on July 24, 2020, the Secretary of Health issued Order of the Secretary of Health 20-03.1, found here, which, among other things, requires (with exceptions) the use of face coverings throughout the state; and

WHEREAS, there is evidence that the virus is spread through very small droplets called aerosols that are expelled from our mouths when we breathe, talk, sing, vocalize, cough, or sneeze, that these aerosols linger in air, and that a significant risk factor for spreading the virus is prolonged, close contact with an infected person indoors, especially in poorly ventilated spaces; and

WHEREAS, we know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, despite several waves of increased infections, hospitalizations, and deaths over the last 14 months, Washington State has avoided overwhelming the state’s health care systems throughout this pandemic through rigorous safety and prevention measures, such as physical distancing and facial coverings, as well as social and economic prohibitions and the heroic efforts of health care professionals; and

WHEREAS, now that three vaccines have been approved for use in the United States and efforts to vaccinate everyone aged 12 and up are underway, it is appropriate to further modify the roadmap to recovery (Healthy Washington – Roadmap To Recovery) that establishes the goal of safely easing some restrictions while also maintaining crucial hospital capacity, ensuring care for Washingtonians who need it, paving the way for economic recovery, and maintaining flexibility to quickly pivot to increase restrictions if needed; and

WHEREAS, as of May 17, 2021, 59 percent of people 16 years of age and older and 48 percent of the total population has initiated vaccination, and 48 percent of people 16 year of age and older and 38 percent of the total population are fully vaccinated; and

WHEREAS, on or about May 13, 2021, data reflects that the number and percent of vaccinated Washington residents continues to increase, while the number of new cases and hospitalizations is decreasing; and

WHEREAS, on May 13, 2021, the Centers for Disease Control and Prevention (CDC) announced that fully vaccinated individuals are not required to wear masks inside or outside, except when in health care settings, correctional facilities, homeless shelters, schools, and public transportation, and Washington state’s data supports adopting that recommendation at this time; and

WHEREAS, the data supported moving all counties to Phase 3 on May 18, 2021, and, further, unless the data changes and supports a different path, setting a goal of fully reopening most sectors in the state by June 30, 2021; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., Healthy Washington – Roadmap To Recovery, found here, remains in full force and effect, and extends all of the prohibitions described in Proclamations 20-25, et seq., except as they have been amended and are further amended herein.

FURTHERMORE, for purposes of the prohibitions contained in the Healthy Washington – Roadmap To Recovery, every county began in Phase 1 as of January 11, 2021. Most counties were able to move to the less restrictive Phases 2 and 3 as determined by the Roadmap to Recovery.

Now, given the reduced level of COVID-19 activity in the state and the significant, and increasing, number of vaccinated individuals in our state, I hereby order that all counties are hereby moved to Phase 3, as of May 18, 2021. Further, any activities not specifically addressed in Proclamation 20-25.12 Healthy Washington – Roadmap To Recovery plan remain subject to previously issued guidance related to that activity as it applies to the county’s current or subsequent phase. Finally, if statewide COVID-19 infections or related deaths begin to rise again and reach a statewide hospital Intensive Care Unit capacity of 90% or greater, restrictions may again be reinstated for the protection of everyone in the state.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. The face covering requirements for workers, employers, businesses, customers, the general public, and any other entities or individuals in prior versions of Proclamation 20-25 are hereby rescinded and replaced with the face covering requirements imposed in and pursuant to this version of Proclamation 20-25.
2. Order of the Secretary of Health 20-03.2, issued on May 15, 2021, is incorporated by reference, and may be amended as is necessary; and, all such amendments are also incorporated by reference.
3. Employers must comply with all conditions for operation required by the Washington State Department of Labor & Industries, including interpretive guidance, regulations and rules and Department of Labor & Industries-administered statutes.
4. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
5. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation, may be found at the Governor’s Office website, COVID-19 Resources and Information, and at COVID-19 Reopening Guidance for Businesses and Workers. Existing guidelines that require proof of vaccination for certain settings and activities remain in effect until such time as those guidelines are expressly modified.

FURTHERMORE, in support of this proclamation:

1. General rule: Per the CDC’s recommendation adopted by the Governor on May 13, 2021, and as provided in Order of the Secretary of Health 20-03.2, fully vaccinated individuals are not required to wear a face covering inside or outside except when in health care settings, correctional facilities, homeless shelters, schools, and public transportation (collectively, “CDC exempted locations”).
2. Additional local restrictions may apply: Nothing in this proclamation or in the Order of the Secretary of Health 20-03.2 prevents a business owner or local authority from imposing face covering or other restrictions or requirements in businesses or locations that are not included in CDC exempted locations, unless otherwise prohibited by state or federal law. In addition, local authorities and landlords are prohibited from preventing or prohibiting businesses in their jurisdictions and properties from imposing face covering requirements or requiring proof of vaccination from customers and are further prohibited from penalizing a business in any manner if it chooses to require face coverings or proof of vaccination.
3. Customers: In support of the general rule stated above, businesses may choose to implement an honor system and assume that a customer who is not wearing a face covering is fully vaccinated. However, a business may also choose to engage with customers to determine if they are fully vaccinated or are otherwise exempt from the face covering requirement and may also ask customers for proof of vaccination.
4. Employees: Unless additional restrictions are imposed by the employer or a state or local authority or the worksite is an exception under the CDC guidance, a fully vaccinated employee may work at the employee’s worksite without wearing a face covering only after the employee has either provided (a) proof of vaccination to the employer; or (b) a signed document

attesting to the employee’s fully vaccinated status. The option to provide a signed self-attestation may be done in hard copy or electronically.

5. Employers: COVID-19 continues to pose a significant risk to health and life. Therefore, employers continue to have a responsibility to ensure workplace safety. To that end, employers:
 - a. Must require proof of vaccination or self-attestation from every employee before those employees are permitted to work at the worksite without wearing a face covering as permitted under the general rule referenced above. Employers may choose the form of proof they will require;
 - b. Notwithstanding (a) above, may require that employees wear a face covering while at the worksite regardless of vaccination status; and
 - c. May require vaccination as a condition of employment, except as prohibited by state or federal law.

ADDITIONALLY, in addition to guidance issued by the Department of Health and the Department of Labor & Industries, additional guidance for businesses, employees, and customers may be found here and is incorporated by reference, and such guidance may be updated periodically and all such updates are also incorporated by reference.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 21st day of May, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05**

**21-08
Safe Workers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of

Washington; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state’s health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December of 2020, the administration of vaccinations to prevent infection of the coronavirus that causes COVID-19 symptoms; and

WHEREAS, according to the U.S. Centers for Disease Control and the Washington State Department of Health have determined that the COVID-19 vaccines that have received emergency approval by the US Federal Drug Administration are safe, effective against infection of the coronavirus that causes COVID-19 symptoms, have proven to significantly decrease the likelihood of infection; and

WHEREAS, everyone over the age of 12 is currently eligible to receive a vaccination against the coronavirus causing COVID-19 symptoms, and Washington health care providers have successfully administered millions of vaccine doses, but have millions more doses to administer, and it is necessary to achieve the highest rate of vaccination of the United States population as possible; and

WHEREAS, certain workers are exempt from the state Minimum Wage Act and as a result lack employment protections afforded others under the state’s paid sick leave laws (RCW 49.46 and WAC 296-128), and

WHEREAS, further, workers covered by the state’s paid sick leave laws may have exhausted all accrued paid time and may face continued employment disruptions as a result of COVID-19 related quarantine, isolation or vaccination, and

WHEREAS, the U.S. President announced he is working to create a paid leave program for time spent receiving and recovering from a COVID-19 vaccination and the Centers for Disease Control recommend that employers develop plans to facilitate worker vaccinations; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect and, pursuant to RCW 43.06.220(1)(h), I hereby amend Proclamation 20-05 to prohibit employers from taking employment action against workers as detailed below. This prohibition takes effect immediately and shall remain in effect until the end of the state of emergency unless otherwise terminated.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit any employer operating within Washington State from taking any adverse employment action against a worker as a result of the worker engaging in any of the following qualifying events:

- 1) Receiving the COVID-19 vaccination;
- 2) Taking a reasonable period of time off, whether unpaid, paid, or otherwise available through the employment arrangement,
 - (a) To receive the COVID-19 vaccination; or
 - (b) To recover from side effects of the vaccine.
- 3) Taking time off, whether unpaid, paid, or otherwise available through the employment arrangement, when the worker is:
 - (a) Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
 - (b) Advised by a health care official or provider to self-quarantine or self-isolate due to concerns related to or a positive diagnosis of COVID-19; or
 - (c) Experiencing COVID-19 symptoms and is seeking a medical diagnosis or treatment.

“Worker” means any individual employed by an employer. “Employ” means to engage, suffer, or permit to work. “Employer” includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to a worker.

An “adverse employment action” means any action taken or threatened by an employer against an employee for engaging in any of the above qualifying events, which may include, but is not limited to:

- 1) Terminating, suspending, demoting, or denying a promotion;
- 2) Denying the worker the worker's choice of any available paid leave provided by existing state laws, a collective bargaining agreement, or employer policy to cover the qualifying event, unless otherwise allowed by existing federal or state leave laws;
- 3) Denying unpaid leave to the worker if the worker does not have any paid leave available to cover the qualifying event, unless otherwise allowed by existing federal or state leave laws;
- 4) Denying use of, or delaying payment for, paid leave, wages, or other amounts owed to the worker;
- 5) Reducing the number of work hours for which the employee is scheduled;
- 6) Altering the employee's preexisting work schedule;
- 7) Reducing the employee's rate of pay; and
- 8) Threatening to take, or taking action, based upon the immigration status of an employee or an employee's family member.

Nothing in the proclamation should be read to interfere with an employer's existing payroll practices and attendance policies, except for any terms that result in adverse employment action under the terms of this proclamation.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 21st day of May, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

**20-22.9
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally- declared COVID-19 national emergency; and

WHEREAS, on December 2, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of February 28, 2021, or the revocation of the federally-declared COVID- 19 national emergency, and expanded its application to include transportation of vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19, while continuing to impose specific restrictions and limitations on its application; and

WHEREAS, on February 17, 2021, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of May 31, 2021, or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on May 26, 2021, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of August 31, 2021, or the revocation of the federally-declared COVID-19 national emergency, unless earlier modified or terminated; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency

Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the May 26, 2021, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on August 31, 2021, or the end of the COVID-19 pandemic emergency.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 28th day of May, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-63, et seq.**

20-63.9

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its continued persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist as an ongoing and present threat in Washington State; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce continue to suffer significant economic hardship, and in some cases family financial resources are severely limited and many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused

by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, and therefore, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children under RCW 43.06.220(4); and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended several times by the leadership of the Washington State Senate and House of Representatives, and such extensions ended on January 4, 2021, at which time not all of the leadership of the four legislative caucuses agreed to extend the proclamation and it terminated; and

WHEREAS, the Governor's authority under RCW 74.04.660(6), was amended to clarify the Governor's authority in Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021) which took effect on March 31, 2021, and gives the Governor the authority "[d]uring a state of emergency and pursuant to an order from the governor under this subsection," to extend benefits to individuals and families without children and to all for more than one period of time within any consecutive 12-month period, that is separate from, and in addition to, the authority established in RCW 43.06.220; and

WHEREAS, to extend benefits under RCW 43.06.010(12) and RCW 74.04.660 to families without children and to order that they be provided for more than one period of time within any consecutive 12-month period, pursuant to Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021), I subsequently amended the provisions and orders of Proclamation 20-63, et seq., by, among other things, setting its expiration to occur at the at the earlier of 11:59 p.m. on June 12, 2021, or when funds appropriated for the disaster cash assistance program under Engrossed Substitute House Bill 1368, Section 8(1) were exhausted; and

WHEREAS, funds appropriated for the disaster cash assistance program under Engrossed Substitute House Bill 1368, Section 8(1) were exhausted on or about June 3, 2021, and therefore the provisions and orders of Proclamation 20-63, et seq., expired in accordance with its terms; and

WHEREAS, additional funding for the State of Washington's disaster cash assistance program has been made available through the federal Budget Stabilization Account, thereby enabling the provisions and orders of Proclamation 20-63, et seq., to be reinstated and further extended; and

WHEREAS, to further extend benefits under RCW 43.06.010(12) and RCW 74.04.660 to families without children and to continue to order that they be provided for more than one period of time within any consecutive 12-month period, pursuant to Substitute House Bill 1151, Section 1, (Chapter 9, Laws of 2021), it is necessary to amend Proclamation 20-63, et seq., by reinstating its provisions and setting a new expiration date; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, pursuant to RCW 43.06.010(12) and RCW 74.04.660(6), again authorize and direct the Secretary of the Department of Social and Health Services, starting at 12:01 a.m. on June 14, 2021, to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children and order that they continue be provided, within the funds available for this benefit, for more than one period of time within any consecutive 12-month period. This Proclamation and the order and authorization contained herein shall expire at 11:59 p.m. on June 30, 2021, or when funds for the disaster cash assistance program made available from the federal Budget Stabilization Act are exhausted, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington on this 10th day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-30, et seq.**

20-30.12

Unemployment Benefits Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 15 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 15 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, I issued Emergency Proclamation 20-30, issued March 25, 2020, which waived and suspended certain statutory provisions relating to job search requirements for applicants seeking unemployment benefits. Since originally issued, the Legislature has several times extended Emergency Proclamation 20-30, et seq., and it remains in effect until it is either amended or rescinded; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, effective as of 11:59 p.m. on July 4, 2021, terminate and rescind Emergency Proclamation 20-30, et seq., pursuant to RCW 43.06.210.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 21st day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-46, et seq.**

20-46.4

High-Risk Employees – Workers’ Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 15 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 15 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, I issued Emergency Proclamation 20-46, originally issued April 13, 2020, which prohibits employers from taking certain adverse actions against high-risk workers during the COVID-19 pandemic. And during the 2021 Legislative Session, a new law was passed, creating [additional protections for high-risk workers during public health emergencies](#). Emergency Proclamation 20-46, et seq., has been amended and extended multiple times, and it remains in effect until it is either amended again or rescinded; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, effective as of 11:59 p.m. on June 28, 2021, terminate and rescind Emergency Proclamation 20-46, et seq., pursuant to RCW 43.06.210.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 21st day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-76**

**20-76.1
Food Delivery Fees**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 15 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 15 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, Emergency Proclamation 20-76, issued November 19, 2020, prohibited: (1) third-party, app-based delivery platforms from charging covered establishments certain commissions and fees on food deliveries, and (2) the reduction of compensation to food delivery drivers, including the reduction of any amount of tips provided to delivery drivers that resulted from the restrictions on commission or delivery fees as set forth in the proclamation, is set to expire at the termination of the underlying Emergency Proclamation, 20-05, unless otherwise rescinded, and it is appropriate to rescind Proclamation 20-76 at this time; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-76, pursuant to RCW 43.06.210.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 21st day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05****21-09****Tenancy Preservation – A Bridge to E2SSB 5160**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist throughout Washington State; and

WHEREAS, the COVID-19 pandemic caused a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce were impacted by these layoffs and substantially reduced work hours, and economic hardship disproportionately affected low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, members of our workforce who are unable to pay rent due to the COVID-19 pandemic face an increased risk of being evicted from their homes, and the resulting increases in life, health and safety risks; and

WHEREAS, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act), tenants seeking to avoid default judgment in eviction hearings must appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, as Washington state recovers from the COVID-19 pandemic, the Legislature intends to provide housing stability through passage of Engrossed Second Substitute Senate Bill (E2SSB) 5160, Chapter 115, Laws of 2021, which bolsters tenant protections, and it further intends to preserve tenancies through passage of Engrossed Substitute House Bill (ESHB) 1236, Chapter 212, Laws of 2021, which enumerates allowable grounds for eviction under residential landlord-tenant law; and

WHEREAS, more than 3.4 million Washingtonians have received vaccinations to limit the severity and spread of COVID-19, but the state of Washington remains below the goal of 70% of all eligible persons being vaccinated by June 30, 2021; and

WHEREAS, currently, COVID-19 vaccines are authorized only for people 12 years of age and older, so children under 12 years of age cannot yet be vaccinated and must rely on low levels of community transmission and health measures including face coverings, physical distancing, and hand hygiene to reduce their risk for COVID-19; and

WHEREAS, genomic sequencing shows that variants of concern that are more transmissible and may cause more severe disease, including Alpha, Gamma, and Delta, now represent the majority of new COVID-19 cases in Washington state; and

WHEREAS, vaccination rates vary across the state, leaving communities with low vaccination rates at risk for ongoing transmission of COVID-19 and unvaccinated people in these communities at risk for illness, hospitalization, and death from COVID-19; and

WHEREAS, during the 2021 legislative session, the Legislature appropriated hundreds of millions of dollars from the federal American Rescue Plan Act (ARPA) in rental assistance, but the program to disperse those funds is still under development, and individuals in need of assistance will not be able to submit an application for rental assistance until July 2021 at the earliest; and

WHEREAS, at this time, neither the eviction resolution pilot program nor the right to counsel program as provided by E2SSB 5160 are operational statewide; and

WHEREAS, data from the Census Bureau Pulse Survey released on June 16, 2021, shows that 195,307 renters, or 12% of all Washington renters, are behind on rent. Over 126,000 of those households have children under the age of 18; and

WHEREAS, the state of Washington has implemented a Roadmap to Recovery to assist businesses restart and to increase hiring, yet unemployment remains above 6% with slow recovery in significant industry sectors; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has again extended the CDC's eviction moratorium, and it is currently scheduled to expire on July 31, 2021; and

WHEREAS, the U.S. Department of Justice, Office of the Associate Attorney General, encourages courts to consider eviction diversion strategies that can help families avoid the disruption and damage caused by eviction, and directs courts to federal resources to help them navigate this crisis.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-19 and all amendments thereto are scheduled to end at 11:59 pm on June 30, 2021, and that because full implementation of Senate Bill 5160 has not yet occurred, Proclamation 20-05 et seq., is amended to temporarily impose certain prohibitions and shall continue to preserve residential tenancy until 11:59 p.m. on September 30, 2021, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, from July 1, 2021, until 11:59 p.m. on September 30, 2021, I hereby prohibit the following activities related to residential dwellings in Washington State.

STATEMENT OF INTENT:

It is the intent of this order to bridge the operational gap between the eviction moratorium enacted by prior proclamations and the protections and programs subsequently enacted by the Legislature, and to reduce uncertainty as the state implements post-COVID-19 long-term housing recovery strategies contained in legislative enactments such as E2SSB 5160. To that end, any ambiguities contained in this proclamation shall be resolved by applying the processes, timelines, and definitions established in E2SSB 5160.

Furthermore, because the Legislature answered the call to help thousands of landlords and tenants who have endured great hardship during this pandemic by appropriating hundreds of millions of dollars (which are not yet fully disbursed to local communities) and establishing thorough and thoughtful programs to address the ongoing housing crisis (which programs are not yet operational statewide), I respectfully ask that local jurisdictions, rental assistance programs, eviction resolution pilot programs, housing advocacy organizations, courts, landlords, and tenants work collaboratively, patiently, and in good faith to enable the Legislature's remarkable efforts to be effectuated.

PAST RENT OWED (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears (rent owed) that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords, property owners, and property managers (collectively, landlords) are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate until both (1) a rental assistance program and an eviction resolution pilot program as contemplated by Section 7 of E2SSB 5160 have been implemented and are operational in the county in which the rental property is located; and (2) a tenant has been provided with, and has, since the effective date of this order, rejected or failed to respond within 14 days of receipt of such notice to an opportunity to participate in an operational rental assistance program and an operational eviction resolution pilot program provided by E2SSB 5160.
- Attestation to program implementation shall be provided by each county rental assistance grant recipient to the Department of Commerce, and by each eviction resolution pilot program to the Administrative Office of the Courts, Office of Civil Legal Aid, and the Office of Financial Management, and such attestations shall be posted to the local county or court public-facing website.

- Tenants must respond to landlords regarding establishing reasonable repayment plans and participate in eviction resolution programs per the timelines established in SB 5160.
- Landlords and tenants are encouraged to address payment of rent through September 30, 2021, as part of the eviction resolution pilot program process.
- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- Each rental assistance program is authorized to share the application status of a tenant with the tenant’s landlord.
- For purposes of this order, an operational rental assistance program means a program located in the county in which the rental property is located, is receiving or able to receive applications for rental assistance from eligible renters and landlords, is currently disbursing or is able to disburse funds, and remains open throughout the time period of this order.
- For purposes of this order, an operational eviction resolution pilot program means a program that complies with the provisions of Section 7 of E2SSB 5160, is located in the county in which the property is located, is serving or is able to serve pilot program clients, and is located in a jurisdiction in which a standing judicial order of the relevant superior court exists. If an out-of-county resolution program is accepting out-of-county applications, a tenant and landlord may agree, but are not required, to use an operational eviction resolution program located in a different county.
- In addition, both the in-county rental assistance programs and the eviction resolution pilot program must be accessible to persons with limited English proficiency (including access to appropriate professional interpreter services) and either accessible to persons with disabilities or able to serve persons with disabilities by providing a reasonable accommodation.

ENFORCEABLE DEBT (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords are prohibited from treating any unpaid rent or other charges related to a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was, in whole or in part, a result of the COVID-19 crisis, until such time as the landlord and tenant have been provided with an opportunity to resolve nonpayment of rent through a rental assistance program and an eviction resolution pilot program as provided by Section 7 of E2SSB 5160. This prohibition includes attempts to collect, or threats to collect, independently or through a collection agency, by filing an unlawful detainer or other judicial action, by withholding any portion of a security deposit, by reporting to credit bureaus, or by any other means.

FUTURE RENT OWED (August 1, 2021 through September 30, 2021)

- For rent accruing on August 1, 2021, or thereafter, it is the expectation that tenants will pay rent in full, negotiate a lesser amount or a payment plan with the tenant’s landlord, or actively seek rental assistance if assistance is needed. For rent accruing on August 1, 2021, or thereafter, and unless an exception or other state law allows for eviction, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate, if, unless otherwise permitted by this order or under state law, a tenant has (1) made full payment of rent; or (2) made a partial payment of rent based on their individual economic circumstances as negotiated with the landlord; or (3) has a pending application for rental assistance that has not been fully processed; or (4) resides in a jurisdiction in which the rental assistance program is anticipating receipt of additional rental assistance resources but has not yet started their program or the rental assistance program is not yet accepting new applications for assistance.
- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- A landlord is not required to accept partial payment of rent but is required to offer a tenant a reasonable repayment plan under this order and pursuant to Section 4 of E2SSB 5160.
- A rental assistance program is authorized to share the application status of a tenant with the tenant’s landlord.

LATE FEES (February 29, 2020 through September 30, 2021)

- Landlords are prohibited from assessing, or threatening to assess, late fees for the non- payment or late payment of rent or other charges related to a dwelling where such non- payment or late payment occurred due to COVID-19 on or after February 29, 2020 through September 30, 2021.

RENT INCREASES (February 29, 2020 through September 30, 2021)

- While this order does not prohibit rent increases, any rent notice increases that were prohibited pursuant to Proclamation 20-19 et seq., continue to be prohibited and may not be retroactively imposed. Any rent increases issued within the effective dates of this order must conform to RCW 59.18.140. Landlords accepting funds through state and/or federal rent assistance program may be prohibited from increasing rents as part of state or local program guidelines.

WRITTEN NOTICE OF RESOURCES AND PROGRAMS (February 29, 2020 through September 30, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing,

or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate without first providing the tenant with written notice of the funding resources and programs established in E2SSB 5160. The written material may be provided in hard copy or electronically. Links to these materials may also be found on the Washington state Attorney General Office's website.

REASONABLE REPAYMENT PLANS (February 29, 2020 through September 30, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate if the landlord has made no attempt to establish a reasonable repayment plan with the tenant per E2SSB 5160, or if they cannot agree on a plan and no local eviction resolution pilot program per E2SSB 5160 exists.
 - “Reasonable repayment plan” has the same meaning as “reasonable schedule for repayment,” as defined in Section 4 of E2SSB 5160, and means a repayment plan or schedule for unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt.
 - Tenants must respond to landlords within 14 days of the landlord's offer, per the timeline established in E2SSB 5160.
 - If a tenant fails to accept the terms of a reasonable repayment plan or if the tenant defaults on any rent owed under a repayment plan, a landlord must first provide notice to the tenant informing the tenant of the eviction resolution pilot program, and then follow the procedures provided by E2SSB 5160, before filing an unlawful detainer action. The pilot program must be operational at the time the notice is sent and must be able to provide the tenant with an opportunity to participate in the program.

PERMISSIBLE UNLAWFUL DETAINER ACTIONS

- Excepting the prohibitions stated herein, all other allowable evictions under ESHB 1236 and the current Residential Landlord-Tenant Act (RCW 59.18) and Manufactured/Mobile Home Landlord-Tenant Act (RCW 59.20) may proceed as otherwise allowed by law.

LOCAL LAW ENFORCEMENT

- Local law enforcement entities are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling unless the eviction order, including a writ of restitution, contains a finding that the landlord has complied with this order and the unlawful detainer action is permitted under this order.

COMMUNICATIONS

- Nothing in this order precludes a landlord from engaging in customary and routine communications with tenants. “Customary and routine” means communication practices that were in place prior to the issuance of Emergency Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a tenant of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation; are related to negotiating a reasonable repayment plan or other program provided by E2SSB 5160; or are otherwise consistent with this order. Within these communications and parameters, landlords may provide information to tenants regarding financial resources, including coordinating with tenants in applying for rent assistance through the state's Emergency Rent Assistance Program (ERAP) or an alternative rent assistance program, and to provide tenants with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- Tenants must respond to landlords regarding establishing reasonable repayment plans and participation in eviction resolution programs per the timelines established in SB 5160.

RETALIATION

- Landlords are prohibited from retaliating against individuals for invoking their rights or protections under this Proclamation, Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings.

RIGHT TO COUNSEL

- Nothing in this order modifies the requirement in Section 8 of E2SSB 5160 that a court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding while this order is in effect.

EXCLUSIONS

- This order and these prohibitions do not apply to emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program. Emergency shelters should make every effort to work with shelter clients to find alternate housing solutions. In addition, this order and these prohibitions do not apply to long-term care facilities licensed or certified by Department of Social and Health Services; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; public lands; and camping areas.

FURTHERMORE, this order acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-12, et seq., AND 20-25, et seq.**

**20-12.3
Higher Education**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December 2020, the administration of vaccinations to prevent infection with the coronavirus that causes COVID-19 symptoms; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health (DOH) have determined that the COVID-19 vaccines that have received emergency approval by the U.S. Food & Drug Administration are safe and effective against infection with the coronavirus that causes COVID-19; and

WHEREAS, everyone age 12 and older is currently eligible to receive a vaccination against the coronavirus causing COVID-19 symptoms, and Washington health care providers, in collaboration with public health and other community partners, have successfully administered millions of vaccine doses, but have millions more doses to administer, and it is necessary to achieve the highest rate of vaccination of the United States population as possible; and

WHEREAS, on March 13, 2020, in recognition of experts' warnings that continued normal operation of public and private universities, colleges, community colleges, and technical colleges could increase the spread of COVID-19 throughout Washington State, I issued Emergency Proclamation 20-12 prohibiting public and private universities, colleges, community colleges, and technical colleges from conducting in-person classroom instruction and lectures related to all educational programs; and

WHEREAS, the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges, community colleges, and technical colleges remained in modified operation, including remote learning and certain programs for essential workers; and

WHEREAS, Washington's public and private universities, colleges, community colleges, and technical colleges are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

WHEREAS, using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians;

and

WHEREAS, the progression of COVID-19 in Washington State shows ethnic disparities in health impacts which are likely to increase ethnic disparities in access and success in post-secondary education, requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

WHEREAS, although public and private universities, colleges, community colleges, and technical colleges made tremendous efforts to continue to function through remote learning, in-person learning benefits Washington; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to provide in-person learning at public and private universities, colleges, and technical schools only through a science-based approach that incorporates safety, sanitation, and physical distancing guidelines; and

WHEREAS, during the initial return to campus in the fall of 2020, there were more than 35 COVID-19 outbreaks linked to public and private institutions of higher education, and some higher education institutions have seen a substantial increase in COVID-19 positive cases that are tied to both congregate living arrangements, including fraternities and sororities, and also large social gatherings of students, thereby triggering the need to increase safety measures to address these outbreaks; and

WHEREAS, I issued Proclamations 20-12.1 and 20-12.2 to permit Washington's public and private universities, colleges, community colleges, and technical colleges to resume in-person instruction, lectures and similar educational gatherings, provided that extensive safety requirements were implemented, and to impose certain safety requirements on shared housing; and

WHEREAS, the widespread availability of safe and effective COVID-19 vaccinations makes it appropriate to lift legally-mandated safety requirements for public and private universities, colleges, community colleges, and technical colleges that have committed to implementing vaccination requirements on their campuses; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace, and

WHEREAS, students attending public and private universities, colleges, community colleges, and technical colleges are largely in the age demographic with the highest rate of COVID-19 cases and the lowest rate of vaccinations of those over the age of 18, which, taken with the foregoing, justifies continuing to mandate certain safety measures for public and private universities, colleges, community colleges, and technical colleges that choose not to implement vaccination requirements on their campuses; and

WHEREAS, DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20-12, et seq., and 20-25, et seq., continue in effect except as amended herein, to allow for in-person classroom instruction, lectures and similar educational gatherings at public and private universities, colleges, community colleges, and technical colleges (referred to hereafter collectively as institutions of higher education, or IHEs), provided certain requirements are and continue to be satisfied.

FURTHERMORE, IHEs that do not have fully vaccinated campuses are prohibited from providing in-person classroom instruction, lectures and similar educational gatherings, except when they implement, follow, and enforce the requirements specified below. IHEs with fully vaccinated campuses are wholly exempt from this proclamation and encouraged, but not required, to follow DOH's COVID-19 recommendations for higher education.

IHEs WITH FULLY VACCINATED CAMPUSES

An IHE has a fully vaccinated campus and is exempt from this proclamation when it meets all of the following requirements:

- The IHE implements a policy requiring all of its students, staff, and faculty who participate in or attend IHE courses, operations, or other activities in person at IHE locations to be fully vaccinated against COVID-19, subject to any medical exemptions required by law and any religious or philosophical exemptions the IHE provides.

- For purposes of this proclamation, a person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use by the FDA (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose COVID-19 vaccine authorized for emergency use by the FDA (e.g., Johnson & Johnson (J&J)/Janssen). For purposes of this proclamation, an IHE may consider a person fully vaccinated against COVID-19 two weeks after they have received all recommended doses of a COVID-19 vaccine that is listed for emergency use by the World Health Organization (WHO).
- The IHE implements a policy and procedure to verify the vaccination status of students, staff, and faculty who are not exempt from the vaccination requirement:
 - The IHE must verify the vaccination status of all staff and faculty who do not wear face coverings in the workplace, as required by the Department of Labor & Industries (L&I).
 - The IHE must verify the vaccination status of all students by obtaining or observing documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination from a health care provider, or a state immunization information system record, or obtaining a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:
 - The dates when each dose of the COVID-19 vaccine was administered to the student;
 - Language stating that the student is attesting to the truthfulness of their self-attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE’s code of conduct or equivalent; and
 - Language stating that the IHE and state and local public health officials may require further verification of the student’s vaccination status, including observing the student’s CDC vaccination card, state immunization information system record, or other documentation.
- The IHE implements a policy requiring every student, staff member, and faculty member who claims an exemption to the vaccination requirement and every volunteer, contractor, and visitor to wear a face covering at IHE locations in accordance with the Secretary of Health’s [face covering order](#) and to comply with any applicable L&I workplace safety requirements. For people claiming exemptions to the Secretary of Health’s [face covering order](#), the IHE’s policy must include putting in place other safety measures to protect the safety of the exempt people and others.

REQUIREMENTS FOR IHEs WITHOUT FULLY VACCINATED CAMPUSES

Campus Safety

- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop a comprehensive COVID-19 infection control plan incorporating the requirements below, applicable workplace safety requirements, and best practices in [CDC](#) and [DOH](#) guidance for IHEs, and make available a copy of the plan at each location on campus;
- Implement a policy and procedure requiring students, staff, and faculty to provide information about their vaccination status:
 - The IHE must verify the vaccination status of all staff and faculty who do not wear face coverings in the workplace, as required by L&I.
 - The IHE must ascertain the vaccination status of all students. From students who are not fully vaccinated, the IHE must obtain a hard copy or electronically signed self-attestation that they are not fully vaccinated. From fully vaccinated students, the IHE must obtain or observe documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination from a health care provider, or a state immunization information system record, or obtain a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:
 - The dates when each dose of the COVID-19 vaccine was administered to the student;
 - Language stating that the student is attesting to the truthfulness of their self-attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE’s code of conduct or equivalent; and
 - Language stating that the IHE and state and local public health officials may require further verification of the student’s vaccination status, including viewing the student’s CDC vaccination card, state immunization information system record, or other documentation;
- Enforce compliance with the Secretary of Health’s [face covering order](#) and L&I’s requirements inside IHE facilities;
- To the extent permitted by law, require all students, regardless of vaccination status, to wear face coverings when meeting with a faculty member for office hours or similar purposes, if requested by the faculty member;
- Maintain minimum physical distancing, whenever possible, of three feet between all non-household members indoors on campus, including students, faculty, staff, volunteers, contractors, and visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain hand washing policies to ensure frequent and adequate hand washing and maintain adequate supplies;
- Implement and maintain adequate sanitization protocols consistent with CDC’s [Cleaning and Disinfecting Your Facility](#)

guidance and [Guidance for Institutions of Higher Education \(IHEs\)](#) and the U.S. Environmental Protection Agency's [list of disinfectants for COVID-19](#);

- Implement and maintain a self-certification COVID-19 screening program for students and personnel consistent with DOH's [Guidance for Daily COVID-19 Symptom Screening of Staff and Guests](#);
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or confirmed to have COVID-19;
- If students or personnel are experiencing any known COVID-19 symptoms, are confirmed to have COVID-19, or have been exposed to a confirmed case of COVID-19, require them to follow the direction of the local health jurisdiction and, to the extent not inconsistent with that direction, DOH's [Evaluation and Management of Persons with New Unexplained Symptoms of COVID-19](#), [What to do if you were potentially exposed to someone with COVID-19](#), and [What to do if you have confirmed or suspected COVID-19](#) and CDC's [What to Do If You Are Sick](#) guidance;
- Make diligent efforts to monitor and enforce compliance with the requirements of this proclamation by students and personnel within the institution's disciplinary authority and procedures and any other applicable authority;
- Develop a plan with the relevant local health jurisdiction to address the isolation and quarantine needs of any personnel and students who have confirmed or suspected COVID-19 or exposure to an individual confirmed to have COVID-19 and are unable to isolate or quarantine in their usual place of residence; and
- Assess recognized hazards, including COVID-19, as part of the ongoing requirement to provide a safe and healthy workplace and, where appropriate, take additional steps to protect unvaccinated employees. Appropriate steps could include but are not limited to maximizing fresh air and providing a mask that is more protective than a cloth face covering. These should be considered as part of the IHE's comprehensive infection control plan.

Student Worker and Personnel Support

- Provide student workers and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for student workers/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits), and shut down or suspend any activity if PPE cannot be provided;
- Comply and require compliance with L&I requirements for face coverings and the Secretary of Health's [face covering order](#) as applicable to the workplace except where this order is more stringent;
- Identify available alternative arrangements for student workers and personnel upon requests or refusals to work due to concerns related to campus safety. Priority should be given for student workers/personnel who are considered high-risk or vulnerable as defined by public health officials (following state guidelines for COVID-19 scenarios and benefits); and
- Educate students and personnel on symptom detection, sources of high risk to COVID-19, prevention measures, and leave benefits/policies.

Visitor Expectations

- Post visible entry point signage for students, personnel, and visitors describing shared on- campus responsibilities and requirements, including those regarding proper hygiene and sanitization, physical distancing and face coverings, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

Food Services

- Implement floor markings to promote physical distancing;
- Post signs to remind patrons of physical distancing and face covering requirements and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales); and
- Enforce compliance with the Secretary of Health's [face covering order](#) and L&I's requirements inside IHE food service facilities

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

This Proclamation, and the prohibitions and orders contained herein, takes effect at 12:01 a.m. on July 1, 2021, and remains in

effect until rescinded or otherwise amended. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of June, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

**20-25.14
“WASHINGTON READY”**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibit certain activities and waive and suspend specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled “Stay Home – Stay Healthy,” in which I prohibited people in Washington State from leaving their homes except under certain circumstances, which I later amended to “Safe Start – Stay Healthy – County-By-County Phased Reopening,” then to “Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID- 19 Outbreak Surge,” and then to “Healthy Washington – Roadmap to Recovery,” in response to the changing COVID-19 epidemiological and health system conditions in Washington State; and

WHEREAS, on July 2, 2020, due to the COVID-19 infection rates which were increasing across the state, I ordered a freeze on all counties moving forward to a subsequent phase of reopening and on July 24, 2020, the Secretary of Health issued *Order of the Secretary of Health 20-03.1*, which, among other things, required (with exceptions) the use of face coverings throughout the state; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention (CDC), and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, and (4) the denser the occupancy for indoor facilities; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, although the COVID-19 disease continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin modifying the roadmap to recovery (*Healthy Washington – Roadmap To Recovery*) to move towards the goal of safely easing some restrictions while also maintaining crucial hospital capacity, ensuring care for Washingtonians who need it, paving the way for economic recovery, and maintaining flexibility to quickly pivot to increase

restrictions if needed; and

WHEREAS, as of June 30, 2021, at least 67 percent of people 16 years of age and older and 55 percent of the total population have initiated vaccination, and at least 60 percent of people 16 year of age and older and 50 percent of the total population are fully vaccinated; and

WHEREAS, data reflect that the number and percent of vaccinated Washington residents continue to increase, while the number of new COVID-19 cases, hospitalizations, and deaths are decreasing; and

WHEREAS, as of June 30, 2021, notwithstanding the progress made in increasing the vaccination rate among persons eligible to vaccinated, we continue to have new COVID-19 cases on a daily basis and new COVID-19 deaths on nearly a daily basis; and

WHEREAS, on May 13, 2021, the CDC announced that fully vaccinated individuals are not recommended to wear masks inside or outside, except when in health care settings, correctional facilities, homeless shelters, schools, and public transportation, and Washington State's data support adopting the CDC's position at this time; and

WHEREAS, the data supported moving all counties to Phase 3 on May 18, 2021, and, supported fully reopening most sectors in the state by June 30, 2021; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., *Healthy Washington – Roadmap To Recovery*, renamed *Washington Ready* pursuant to this order, found [here](#), remains in full force and effect, and all of the prohibitions described therein are extended except as they are specifically altered or amended by this Proclamation.

FURTHERMORE, for purposes of the prohibitions contained in the *Healthy Washington – Roadmap To Recovery*, every county began in Phase 1 as of January 11, 2021. Most counties were able to move to the less restrictive Phases 2 and 3 as determined by the *Roadmap to Recovery*. Now, given the reduced level of COVID-19 activity in the state and the significant, and increasing, number of vaccinated individuals in our state, I hereby order that movement, occupancy, and face-covering restrictions are modified as set forth in this Proclamation 20-25.14, *Washington Ready*. If statewide COVID-19 infections or related deaths begin to rise again and reach a statewide hospital Intensive Care Unit capacity of 90% or greater, restrictions may again be reinstated for the protection of everyone in the state.

ADDITIONALLY, in furtherance of these prohibitions, and for general awareness:

1. The face covering requirements for workers, employers, businesses, customers, the general public, and any other entities or individuals in prior versions of Proclamation 20-25 are hereby rescinded and replaced with the face covering requirements imposed in and pursuant to this version of Proclamation 20-25.
2. The Secretary of Health's face covering order and any subsequent amendments are incorporated by reference.
3. Employers must comply with all conditions for operation required by the Washington State Department of Labor & Industries, including interpretive guidance, regulations and rules and Department of Labor & Industries-administered statutes.
4. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
5. All mandatory guidelines for specific businesses and activities, which remain in effect except as modified by this Proclamation, may be found at the Governor's Office website, [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#). Existing guidelines that require proof of vaccination for certain settings and activities remain in effect until such time as those guidelines are expressly modified.

FURTHERMORE, in support of this proclamation:

6. General rule: General face covering requirements are found in the Secretary of Health's face covering order, and any subsequent amendments, as incorporated herein by reference.

7. Additional local restrictions may apply: Nothing in this proclamation or in the Secretary of Health's face covering order prevents any other individual or entity from imposing face covering or other restrictions or requirements in businesses or other locations within the scope of their legal authority. In addition, local authorities and landlords are prohibited from preventing or prohibiting businesses in their jurisdictions and tenants in their properties, respectively, from imposing face covering requirements or requiring proof of vaccination from customers, and are further prohibited from penalizing a business or tenant in any manner if it chooses to require face coverings or proof of vaccination.
8. Customers: In support of the Secretary of Health's face covering order, businesses may choose to implement an honor system and assume that all customers who are not wearing face coverings while indoors are fully vaccinated. However, a business may also choose to engage with customers to determine if they are fully vaccinated or are otherwise exempt from the indoor face covering requirement and may also ask customers for proof of vaccination.
9. Employees: Unless additional restrictions are imposed by the employer or a state or local authority or face coverings are legally required at the specific worksite regardless of vaccination status, a fully vaccinated employee may work indoors at the employee's worksite without wearing a face covering, but only *after* the employee has either provided (a) proof of vaccination to the employer; or (b) a signed document attesting to the employee's fully vaccinated status. The option to provide a signed self-attestation may be done in hard copy or electronically.
10. Employers: Employers are required to provide a safe and healthy workplace and must assess hazards in their workplace and take appropriate steps to protect workers. COVID-19 remains a recognized hazard that continues to pose a significant risk to the health and life of employees. Employers therefore must assess the hazard COVID-19 poses to their workplace and take appropriate steps to protect workers, including workers who are not fully vaccinated. To that end, employers:
 - a. Must obtain proof of vaccination or a hard copy or electronically signed document attesting to the employee's fully vaccinated status from every employee before the employee is permitted to work at an indoor worksite without wearing a face covering, and must follow applicable rules for those jobs and worksites that continue to require face coverings;
 - b. Notwithstanding (a) above, may require that employees wear a face covering while at the worksite regardless of vaccination status; and
 - c. May require vaccination as a condition of employment, except as prohibited by state or federal law.

ADDITIONALLY, in addition to guidance issued by the Department of Health and the Department of Labor & Industries, additional guidance for businesses, employees, and customers may be found [here](#) and is incorporated by reference, and such guidance may be updated periodically and all such updates are also incorporated by reference.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, or termination of this amendatory proclamation, the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 1st day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-57, et seq.**

20-57.2

Concerning the Health of Agricultural Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, I issued Emergency Proclamation 20-57, originally issued May 28, 2020, and amended on August 19, 2020, which prohibits employers from operating agricultural operations without following specific COVID-19 health and safety measures, and which remains in effect for the duration of the state of emergency unless rescinded beforehand; and

WHEREAS, it is appropriate to rescind those prohibitions set forth Proclamation 20-57, et seq., at this time; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, effective immediately, terminate and rescind Emergency Proclamation 20-57, et seq., pursuant to RCW 43.06.210.

Nothing in this order should be read to alter any other COVID-19 health and safety measure originating outside of Proclamation 20-57 et seq., including any agency rule concerning temporary worker housing, or any other COVID-19 health and safety requirement directed by Proclamation 20-25, et seq., the Department of Labor & Industries, or the Department of Health.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management*

Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 1st day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.**

20-23.16

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its continued persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist as an ongoing threat in Washington State; and

WHEREAS, the COVID-19 pandemic caused a global economic slowdown and an economic downturn in Washington State, which resulted in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting the commercial sectors that support our state’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, the COVID-19 pandemic has limited the available financial resources of many of our people and businesses with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein; and

WHEREAS, on March 18, 2021, I amended 20-23, et seq., to extend the prohibitions on disconnecting, refusing to reconnect, and charging late fees until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 31, 2021, whichever comes first; and

WHEREAS, the Washington State Utilities and Transportation Commission extended its moratorium for disconnections for nonpayment through July 31, 2021, at which time the Commission will lift its moratorium; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the Washington State Legislature until termination of the State of Emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first, and (2) similarly extend the prohibitions therein until through the termination of the state of emergency, or until rescinded, whichever occurs first, unless provided otherwise below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I continue to prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 30, 2021, whichever comes first.

Citizens encountering financial difficulties should contact their local utility providers. Most utilities have adopted policies that can help with delinquent bills and ensure continued service after the moratorium expires. Also, the Washington State Department of Commerce has assembled resources for utility customers, which may be accessed [here](#) or by calling 2-1-1.

FURTHERMORE, it continues to be the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. Utilities should prioritize use of customer support tools, particularly those that have accrued extensive utility bill arrearages, prior to the end of the moratorium, in order to help avoid credit and collections issues.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATION 20-05**

21-11

Outdoor Preschool Pilot Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist as an ongoing threat in Washington State; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December of 2020, the administration of vaccinations to prevent infection with the coronavirus that causes COVID-19 symptoms; and

WHEREAS, in response to the COVID-19 pandemic, I have issued proclamations limiting gatherings, particularly limiting indoor gatherings and in-person, indoor educational gatherings; and

WHEREAS, in 2017, the legislature directed the Department of Children, Youth, and Families (DCYF) to establish a four-year pilot project to license outdoor nature-based early learning and child care programs; and

WHEREAS, in response, DCYF launched the Outdoor Preschool Pilot project to license outdoor, nature-based early learning and child care programs (outdoor preschool), and in doing so, set a precedent by making Washington the first state in the nation to successfully develop state licensing requirements and processes to expand access to safe, high-quality outdoor preschool; and

WHEREAS, the Outdoor Preschool Pilot project has been successful, and seven outdoor preschools currently are licensed, operating, and serving children under the program; and

WHEREAS, the Outdoor Preschool Pilot project has been particularly valuable during the COVID-19 pandemic, by demonstrating the viability of outdoor preschools as a means of maximizing the use of outdoor learning environments and thereby slowing the spread of COVID-19, and by increasing the child-care options for working parents; and

WHEREAS, the statutory authority to operate the Outdoor Preschool Pilot program and license outdoor preschools ended on June 30, 2021; and

WHEREAS, based on the success of the Outdoor Preschool Pilot program, the legislature passed E2SSB 5151 which I subsequently signed into law, permanently authorizing DCYF to issue outdoor child care licenses as part of its regular licensing program; and

WHEREAS, the effective date of E2SSB 5151 is July 25, 2021, which creates an inadvertent short-term gap in DCYF's legal authority to license outdoor preschool and child care programs; and

WHEREAS, if DCYF is required to temporarily shut down the outdoor preschool programs operating under the Outdoor Preschool Pilot program, such a shutdown would create a severe hardship for the program, the children, and the families being served in those programs, would result in affected children either going without preschool or attending an indoor-based preschool with higher risk of COVID-19 transmission, and would cause some parents to be unable to work due to lack of adequate child care; and

WHEREAS, extending the continued operation of the Outdoor Preschool Pilot program until E2SSB 5151's effective date helps children, working parents, the ongoing battle against COVID-19, and contributes to the state's overall economic recovery efforts; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend the specific statutory language in RCW 43.216.740(1) identified below because the statutory language prevents, hinders, or delays necessary action to provide continued licensed outdoor preschool. The waivers and suspensions take effect immediately and will remain in effect until July 31, 2021, unless otherwise amended or rescinded.

The language to be waived and suspended is indicated by strikethrough: RCW 43.216.740(1): (1) The department shall establish a pilot project to license outdoor, nature-based early learning and child care programs. The pilot project shall commence beginning August 31, 2017, and conclude June 30, 2021.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the

outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 6th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-12, et seq., AND 20-25, et seq.**

**20-12.4
Higher Education**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December 2020, the administration of vaccinations to prevent infection with the coronavirus that causes COVID-19 symptoms; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health (DOH) have determined that the COVID-19 vaccines that have received emergency approval by the U.S. Food & Drug Administration are safe and effective against infection with the coronavirus that causes COVID-19; and

WHEREAS, everyone age 12 and older is currently eligible to receive a vaccination against the coronavirus causing COVID-19 symptoms, and Washington health care providers, in collaboration with public health and other community partners, have successfully administered millions of vaccine doses, but have millions more doses to administer, and it is necessary to achieve the highest rate of vaccination of the United States population as possible; and

WHEREAS, on March 13, 2020, in recognition of experts' warnings that continued normal operation of public and private universities, colleges, community colleges, and technical colleges could increase the spread of COVID-19 throughout Washington State, I issued Emergency Proclamation 20-12 prohibiting public and private universities, colleges, community colleges, and technical colleges from conducting in-person classroom instruction and lectures related to all educational programs; and

WHEREAS, the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges, community colleges, and technical colleges remained in modified operation, including remote learning and certain programs for essential workers; and

WHEREAS, Washington's public and private universities, colleges, community colleges, and technical colleges are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

WHEREAS, using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians;

and

WHEREAS, the progression of COVID-19 in Washington State shows ethnic disparities in health impacts which are likely to increase ethnic disparities in access and success in post-secondary education, requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

WHEREAS, although public and private universities, colleges, community colleges, and technical colleges made tremendous efforts to continue to function through remote learning, in-person learning benefits Washington; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to provide in-person learning at public and private universities, colleges, and technical schools only through a science-based approach that incorporates safety, sanitation, and physical distancing guidelines; and

WHEREAS, during the initial return to campus in the fall of 2020, there were more than 35 COVID- 19 outbreaks linked to public and private institutions of higher education, and some higher education institutions have seen a substantial increase in COVID-19 positive cases that are tied to both congregate living arrangements, including fraternities and sororities, and also large social gatherings of students, thereby triggering the need to increase safety measures to address these outbreaks; and

WHEREAS, I issued Proclamations 20-12.1 and 20-12.2 to permit Washington's public and private universities, colleges, community colleges, and technical colleges to resume in-person instruction, lectures and similar educational gatherings, provided that extensive safety requirements were implemented, and to impose certain safety requirements on shared housing; and

WHEREAS, the widespread availability of safe and effective COVID-19 vaccinations makes it appropriate to lift legally-mandated safety requirements for public and private universities, colleges, community colleges, and technical colleges that have committed to implementing vaccination requirements on their campuses; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace, and

WHEREAS, students attending public and private universities, colleges, community colleges, and technical colleges are largely in the age demographic with the highest rate of COVID-19 cases and the lowest rate of vaccinations of those over the age of 18, which, taken with the foregoing, justifies continuing to mandate certain safety measures for public and private universities, colleges, community colleges, and technical colleges that choose not to implement vaccination requirements on their campuses; and

WHEREAS, DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20- 12, et seq., and 20-25, et seq., continue in effect except as amended herein, to allow for in-person classroom instruction, lectures and similar educational gatherings at public and private universities, colleges, community colleges, and technical colleges (referred to hereafter collectively as institutions of higher education, or IHEs), provided certain requirements are and continue to be satisfied.

FURTHERMORE, IHEs that do not have fully vaccinated campuses are prohibited from providing in-person classroom instruction, lectures and similar educational gatherings, except when they implement, follow, and enforce the requirements specified below. IHEs with fully vaccinated campuses are wholly exempt from this proclamation and encouraged, but not required, to follow DOH's COVID-19 recommendations for higher education.

IHEs WITH FULLY VACCINATED CAMPUSES

An IHE has a fully vaccinated campus and is exempt from this proclamation when it meets all of the following requirements:

- The IHE implements a policy requiring all of its students, staff, and faculty who participate in or attend IHE courses, operations, or other activities in person at IHE locations to be fully vaccinated against COVID-19, subject to any medical exemptions required by law and any religious or philosophical exemptions the IHE provides.

- For purposes of this proclamation, a person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use by the FDA (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose COVID-19 vaccine authorized for emergency use by the FDA (e.g., Johnson & Johnson (J&J)/Janssen). For purposes of this proclamation, an IHE may consider a person fully vaccinated against COVID-19 two weeks after they have received all recommended doses of a COVID-19 vaccine that is listed for emergency use by the World Health Organization (WHO).
- The IHE implements a policy and procedure to verify the vaccination status of students, staff, and faculty who are not exempt from the vaccination requirement:
 - The IHE must verify the vaccination status of all staff and faculty who do not wear face coverings in the workplace, as required by the Department of Labor & Industries (L&I).
 - The IHE must verify the vaccination status of all students by obtaining or observing documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination from a health care provider, or a state immunization information system record, or obtaining a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:
 - The dates when each dose of the COVID-19 vaccine was administered to the student;
 - Language stating that the student is attesting to the truthfulness of their self-attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE's code of conduct or equivalent; and
 - Language stating that the IHE and state and local public health officials may require further verification of the student's vaccination status, including observing the student's CDC vaccination card, state immunization information system record, or other documentation.
- The IHE implements a policy requiring every student, staff member, and faculty member who claims an exemption to the vaccination requirement and every volunteer, contractor, and visitor to wear a face covering at IHE locations in accordance with the Secretary of Health's [face covering order](#) and to comply with any applicable L&I workplace safety requirements. For people claiming exemptions to the Secretary of Health's [face covering order](#), the IHE's policy must include putting in place other safety measures to protect the safety of the exempt people and others.

REQUIREMENTS FOR IHEs WITHOUT FULLY VACCINATED CAMPUSES

Campus Safety

- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop a comprehensive COVID-19 infection control plan incorporating the requirements below, applicable workplace safety requirements, and best practices in [CDC](#) and [DOH](#) guidance for IHEs, and make available a copy of the plan at each location on campus;
- Implement a policy and procedure requiring students, staff, and faculty to provide information about their vaccination status, as follows:
 - The IHE must verify the vaccination status of all staff and faculty who do not wear face coverings in the workplace, as required by L&I.
 - The IHE must require all fully vaccinated students who participate in or attend IHE courses, operations, or other activities in person at IHE locations to provide documentary proof of full vaccination, and the IHE must obtain or observe documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination from a health care provider, or a state immunization information system record, or obtain a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:
 - The dates when each dose of the COVID-19 vaccine was administered to the student;
 - Language stating that the student is attesting to the truthfulness of their self-attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE's code of conduct or equivalent; and
 - Language stating that the IHE and state and local public health officials may require further verification of the student's vaccination status, including viewing the student's CDC vaccination card, state immunization information system record, or other documentation;
 - The IHE must presume all persons on campus are unvaccinated until proof of vaccination is provided.
- Enforce compliance with the Secretary of Health's [face covering order](#) and L&I's requirements inside IHE facilities;
- To the extent permitted by law, require all students, regardless of vaccination status, to wear face coverings when meeting with a faculty member for office hours or similar purposes, if requested by the faculty member;
- Maintain minimum physical distancing, whenever possible, of three feet between all non-household members indoors on campus, including students, faculty, staff, volunteers, contractors, and visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain hand washing policies to ensure frequent and adequate hand washing and maintain adequate supplies;

- Implement and maintain adequate sanitization protocols consistent with CDC's [Cleaning and Disinfecting Your Facility](#) guidance and [Guidance for Institutions of Higher Education \(IHEs\)](#) and the U.S. Environmental Protection Agency's [list](#) of disinfectants for COVID-19;
- Implement and maintain a self-certification COVID-19 screening program for students and personnel consistent with DOH's [Guidance for Daily COVID-19 Symptom Screening of Staff and Guests](#);
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or confirmed to have COVID-19;
- If students or personnel are experiencing any known COVID-19 symptoms, are confirmed to have COVID-19, or have been exposed to a confirmed case of COVID-19, require them to follow the direction of the local health jurisdiction and, to the extent not inconsistent with that direction, DOH's [Evaluation and Management of Persons with New Unexplained Symptoms of COVID-19](#), [What to do if you were potentially exposed to someone with COVID-19](#), and [What to do if you have confirmed or suspected COVID-19](#) and CDC's [What to Do If You Are Sick](#) guidance;
- Make diligent efforts to monitor and enforce compliance with the requirements of this proclamation by students and personnel within the institution's disciplinary authority and procedures and any other applicable authority;
- Develop a plan with the relevant local health jurisdiction to address the isolation and quarantine needs of any personnel and students who have confirmed or suspected COVID-19 or exposure to an individual confirmed to have COVID-19 and are unable to isolate or quarantine in their usual place of residence; and
- Assess recognized hazards, including COVID-19, as part of the ongoing requirement to provide a safe and healthy workplace and, where appropriate, take additional steps to protect unvaccinated employees. Appropriate steps could include but are not limited to maximizing fresh air and providing a mask that is more protective than a cloth face covering. These should be considered as part of the IHE's comprehensive infection control plan.

Student Worker and Personnel Support

- Provide student workers and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for student workers/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits), and shut down or suspend any activity if PPE cannot be provided;
- Comply and require compliance with L&I requirements for face coverings and the Secretary of Health's [face covering order](#) as applicable to the workplace except where this order is more stringent;
- Comply with all applicable laws providing protections for high risk workers, including, but not limited to, the [Health Emergency Labor Standards Act](#); and
- Educate students and personnel on symptom detection, sources of high risk to COVID-19, prevention measures, and leave benefits/policies.

Visitor Expectations

- Post visible entry point signage for students, personnel, and visitors describing shared on-campus responsibilities and requirements, including those regarding proper hygiene and sanitization, physical distancing and face coverings, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

Food Services

- Implement floor markings to promote physical distancing;
- Post signs to remind patrons of physical distancing and face covering requirements and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales); and
- Enforce compliance with the Secretary of Health's [face covering order](#) and L&I's requirements inside IHE food service facilities

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support

implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing

incident related assessments.

This Proclamation, and the prohibitions and orders contained herein are effective immediately and will remain in effect until rescinded or otherwise amended. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING PROCLAMATION 20-51, et seq.**

**20-51.12
Community Associations Meetings and Late Fees**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 15 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, Emergency Proclamation 20-51, first issued April 17, 2020, suspended certain statutes to allow community associations to hold meetings remotely and to provide relief to association members from imposition of interest and late fees for late payment of association assessments; and

WHEREAS, Emergency Proclamation 20-51, et seq., is set to expire at the termination of the underlying Emergency Proclamation, 20-05, unless otherwise rescinded, but it is appropriate to rescind Proclamation 20-51, et seq., at this time; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-51, et seq., pursuant to RCW 43.06.210, effective at 11:59 p.m. July 24, 2021.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 13th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-82, et seq.**

**20-82.2
Delaying Implementation of RCW 70A.530.020 - Single-Use Plastic Bags**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 15 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at

different rates for different people; and

WHEREAS, Emergency Proclamation 20-82, first issued December 18, 2020, waived the January 1, 2021, implementation date of RCW 70A.530.020, which places limitations on retail establishments' provision of paper and plastic bags to customers. I waived this statute's implementation because, due to COVID-19, retail establishments had challenges obtaining ample supplies of reusable plastic bags to meet consumer demand. Those challenges have since passed.

WHEREAS, Emergency Proclamation 20-82, et seq., is set to expire at the termination of the underlying Emergency Proclamation, 20-05, unless otherwise rescinded, but it is appropriate to rescind Proclamation 20-82, et seq., at this time; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-82, et seq., pursuant to RCW 43.06.210, effective at 11:59 p.m. September 30, 2021.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 13th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-45, et seq.**

20-45.11

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal service and in-person hearings involving civil protection orders. This emergency order was subsequently extended multiple times by the Washington State Legislature; and

WHEREAS, during the 2021 Legislative Session, the Washington State Legislature passed ESSHB 1320, relating to civil protection orders, which addresses some of the provisions in Emergency Proclamation 20-45, et seq. Relevant parts of this new law become effective July 25, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-45, et seq., pursuant to RCW 43.06.210, effective at 11:59 p.m. on July 24, 2021.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 20th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-67**

20-67.1

Food Production Workers Paid Leave

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, on August 13, 2020, I issued Emergency Proclamation 20-67, which was designed to provide food production workers access to paid emergency supplemental sick leave to be used for reasons related to the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-67, pursuant to RCW 43.06.210, effective immediately.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the

National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 20th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-79, et seq.**

20-79.2

Employment Security Department– Lump Sum Retirement Benefits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, state law required the Employment Security Department to prorate lump sum retirement benefits “over the life expectancy of the individual” claimant, and then deduct those benefits from a claimant’s weekly unemployment benefit. In December 2020, I waived and suspended those problematic provisions, allowing the Employment Security Department to issue lump sum retirement benefits. Those waivers and suspensions were subsequently extended by the Washington State Legislature; and

WHEREAS, during the 2021 Legislative Session, the Washington State Legislature passed ESSB 5061, relating to unemployment insurance, which addresses some of the provisions identified in Emergency Proclamation 20-79, et seq; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-79, et seq., pursuant to RCW 43.06.210, effective immediately.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 20th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-20, et seq.**

**20-20.12
Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-20, et seq., pursuant to RCW 43.06.210, effective at 11:59 p.m. on September 30, 2021.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 27th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-44, et seq.
20-44.11
Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, on April 10, 2020, I initially issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-44, et seq., pursuant to RCW 43.06.210, effective immediately.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting

necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 27th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-70**

20-70.1

Transportation and Remote Learning for K-12 Student Education

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 16 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 16 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Center for Disease Control, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, on August 26, 2020, I initially issued Proclamation 20-70, prohibiting K-12 schools from interpreting student transportation statutes to restrict a school’s ability to use its transportation allocation for certain purposes, like delivering educational materials, meals, and technology for remote learning; and

WHEREAS, during the 2021 Legislative Session, the Washington State Legislature passed SB5128, which addressed many of the issues contained in my emergency proclamation. This legislation went into effect in May 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-70, pursuant to RCW 43.06.210, effective immediately.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 27th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-08, and 20-09, et seq.**

**20-09.4
K-12 Schools**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Emergency Proclamations 20-25, et seq., which limit Washingtonians' ability to participate in certain activities; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, health professionals and epidemiological modeling experts indicated that continued operation of schools could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Emergency Proclamations 20-08, and 20-09, et seq., I prohibited public school districts, charter schools, and private schools from conducting in-person

educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, schools are the foundation of Washington’s communities, and in addition to traditional classroom education, schools provide a variety of vital services to students, families and communities that play a vital role in students’ ability to succeed, including academic supports, special education supports, health therapies, mental/behavioral supports, access to nutritious food, and other community services; and

WHEREAS, closing our schools was stressful for all Washingtonians, and was particularly difficult for children with heightened social, physical, developmental, or emotional needs, and those who rely on our schools to provide services, structure, and positive social interactions; and

WHEREAS, beyond COVID-19 infections, the pandemic caused other health concerns including an increase in emergency department visits related to mental health crisis for young children and adolescents since the pandemic started; and

WHEREAS, in-person learning has a broad range of benefits for children beyond educational instruction, including the development of social and emotional skills, and the absence of in-person learning may be particularly harmful for children living in poverty, children of color, English language learners, children with diagnosed disabilities, and young children, and can further widen inequities in our society; and

WHEREAS, although parents, students, school teachers, and administrators made tremendous efforts to continue to function through distance learning, and I recognize their extraordinary resilience, strength, adaptability, and courage, all agree that keeping our schools open benefits our children, families and communities; and

WHEREAS, a highly transmissible variant of the coronavirus, known as the “delta variant”, is currently causing an increase in cases predominantly among unvaccinated individuals, hospitalizations, and deaths around the country, has infected a few fully vaccinated individuals, and is increasingly the dominant strain of the virus in Washington State; and

WHEREAS on July 27, 2021, the United States Centers for Disease Control and Prevention (CDC) modified its face mask recommendations and now recommends, among other things, that everyone, including those people who are fully vaccinated, wear a mask indoors in public in locations of substantial or high transmission of the virus and universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status; and

WHEREAS, safely returning to in-person instruction in the fall 2021 is a priority, and the CDC continues to recommend that K-12 schools should be the last settings to close after all other mitigation measures have been employed, and the first to reopen when they can do so safely; and

WHEREAS, vaccination is the strongest protective measure against COVID-19 available, as demonstrated between February and June 2021, when 97% of COVID-19 cases, 96% of COVID-19 hospitalizations, and 93% of COVID-19 deaths in Washington State were in people not fully vaccinated, however, as of July 24, only 35% of 12-15 year-olds and 44% of 16-17 year-olds in Washington state were fully vaccinated and people under 12 years of age are not old enough to be vaccinated; and

WHEREAS, there is high mixing of vaccinated and unvaccinated people in schools, and vaccines are not available to children younger than 12 years of age;

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to maintain a careful, flexible, and science-based approach to appropriate safety measures in our schools; and

WHEREAS, schools must continue to be prepared to be flexible to pivot in whole or in part to distance learning if there is a COVID-19 outbreak in their county or within their school community and to follow guidance from the Department of Health, the Department of Labor & Industries, and the Superintendent of Public Instruction to help mitigate risk to students, teachers, and the community; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Emergency Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Emergency Proclamations 20-08, and 20-09, et seq., are amended to prohibit any public, private, or charter school that provides education at any grade level from kindergarten through twelfth grade from providing in-person learning unless the school complies with the Department of Health’s requirements for K-12 schools found [here](#), the Office of Superintendent of Public Instruction’s COVID-19 guidance found [here](#), and the Department of Labor & Industries’ requirements and guidance, including, but not limited to, those for preventing COVID-19 found [here](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect immediately and will remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 30th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and RESCINDING 20-49, et seq.**

**20-49.15
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 17 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 17 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, Emergency Proclamation 20-49, et seq., first issued April 14, 2020, suspended/waived certain statutes that permit collection of consumer debt judgments, including bank accounts and garnishments, to help people manage the economic challenges of the pandemic; and

WHEREAS, Emergency Proclamation 20-49, et seq., is set to expire at the termination of the underlying Emergency Proclamation, 20-05, unless otherwise rescinded, but it is appropriate to rescind Proclamation 20- 49, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-49, et seq., pursuant to RCW 43.06.210, effective at 11:59 p.m. September 30, 2021.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 4th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND RESCINDING 20-84 et seq.**

**20-84.2
Delaying Repeal of RCW 26.10**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the worldwide spread of COVID-19, the high risk it posed and continues to pose to vulnerable populations, its spread and continued persistence in Washington State, and the unprecedented nature of the emergency, I subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220, that prohibited certain activities and waived and suspended specified laws and regulations; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 17 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, over the past 17 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; and

WHEREAS, the effects of the COVID-19 pandemic and the measures taken to combat its spread and severity have had profound, varied, and lasting impacts on our state, including economic, educational, and societal impacts, and those impacts will fade at different rates for different people; and

WHEREAS, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), repeals RCW 26.10 – relating to third party custody of minors, and Section 907 delayed implementation of the repeal to January 1, 2021; and

WHEREAS, in response to the COVID-19 emergency, on December 30, 2020, I issued 20-84, which waived Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), and parts of Section 907. I also prohibited anyone from filing new third party custody cases pursuant to RCW 26.10; and

WHEREAS, Emergency Proclamation 20-84, et seq., is set to expire at the termination of the underlying Emergency Proclamation, 20-05, unless otherwise rescinded, but it is appropriate to immediately rescind Proclamation 20-84, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, terminate and rescind Emergency Proclamation 20-84, et seq., pursuant to RCW 43.06.210, effective immediately.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management*

Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 4th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05, et seq.**

**21-14
COVID-19 VACCINATION REQUIREMENT**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians’ ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health-care system; and

WHEREAS, to protect some of our most vulnerable populations – persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities – and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents and visitors in those facilities; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated; and

WHEREAS, according to the CDC, as of August 1, 2021, approximately 67% of staff in Washington state nursing homes were fully vaccinated; and

WHEREAS, healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and

WHEREAS, on July 26, 2021, approximately 60 medical groups, including the American Medical Association, the American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, the American Nurses Association, the American Academy of Physician Assistants, the Association of Professionals in Infection Control and Epidemiology, the American Public Health Association, the Infectious Diseases Society of America LeadingAge, the National Hispanic Medical Association, the National Medical Association, and the Society of Infectious Disease Pharmacists, issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the "fulfillment of the ethical commitment of all health care workers to put patients as well as residents of long-term care facilities first and take all steps necessary to ensure their health and well-being"; and on August 2, 2021, the Washington State Society of Post-Acute and Long-Term Care Medicine submitted a letter in support of the above noted July 26, 2021 memorandum; and

WHEREAS, on July 15, 2021, the American College of Obstetricians and Gynecologists, together with the Society for Maternal-Fetal Medicine, posted a formal opinion stating that medical professionals have an ethical obligation to be vaccinated against COVID-19 to prevent the spread of harmful infectious diseases, and that women who are or may become pregnant should be vaccinated against COVID-19; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees live in and provide services to the public in every county in our state, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after state work hours; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I am requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby prohibit, subject to the conditions, exceptions, and circumstances set forth below, the following activities:

1. **Prohibitions.** This order prohibits the following:
 - a. Any Worker from engaging in work for a State Agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - b. Any State Agency from permitting any Worker to engage in work for the agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof to the agency;
 - c. Any Health Care Provider from failing to be fully vaccinated against COVID-19 after October 18, 2021; and
 - d. Any individual or entity that operates a Health Care Setting from permitting a Health Care Provider to engage in work for the individual or entity as an employee, contractor, or volunteer after October 18, 2021 if the Health Care Provider has not been fully vaccinated against COVID-19 and provided proof thereof to the individual or entity. Providers who do not work in a Health Care Setting must provide proof of vaccination to the operator of the facility in which the Provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdictions, and the state Department of Health.
2. **Exemptions from Vaccine Requirement.**
 - a. Health Care Providers and Workers for State Agencies are not required to get vaccinated against COVID-19 if they are entitled under the Americans With Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order. Nothing herein precludes individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies from providing disability-related reasonable accommodations and religious accommodations to the requirements of this order as required by the laws noted above. As provided in the ADA, Title VII, and the WLAD, individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies are not required to provide such accommodations if they would cause undue hardship.
 - b. To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies must obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation.
 - c. To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Order, individuals or entities for which Health Care Providers work as employees, contractors, or volunteers and State Agencies must document that the request for an accommodation has been made and the document must include a statement regarding the way in which the requirements of this order conflict with the religious observance, practice, or belief of the individual.
3. **Acceptable Proof of Full Vaccination Against COVID-19:** Where required above, Workers for State Agencies and Health Care Providers must provide proof of full vaccination against COVID-19 by providing one of the following:
 - a. CDC COVID-19 Vaccination Record Card or photo of the card;
 - b. Documentation of vaccination from a health care provider or electronic health record; or
 - c. State immunization information system record.
 Personal attestation is not an acceptable form of verification of COVID-19 vaccination.
4. **Public and Private Entities and Employers May Exceed These Requirements:** Nothing in this order prohibits individuals or entities employing or using the services of Health Care Providers and State Agencies from implementing requirements that exceed the requirements of this Order.
5. **Definitions.**
 - a. "Worker":
 - For purposes of this order, "worker" includes:
 - A person engaged to work as an employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated, but does not include a visitor or patron;
 - The director, secretary, or other executive officer of a State Agency;
 - A person appointed to serve on a board, commission, or similar body that is an executive cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/small-cabinet>.
 - The following exceptions apply to the definition of "worker":
 - Independent contractors, and any of their workers, are exempt from this order unless any provision of the contract to provide goods or services requires work to be performed in person and on site, regardless of frequency, whether other workers are present, or any contingent nature of that requirement.

- For any State Agency that is listed as an agency under the authority of a board, council, or commission at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf and that is not also listed as an executive cabinet agency at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency at <https://www.governor.wa.gov/office-governor/office/small-cabinet>, only the State Agency’s compensated employees are “workers” subject to the requirements of this proclamation.

b. “Health Care Provider” includes:

- Individuals with credentials listed in the Healthcare Professional Credentialing Requirements list;
- Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential;
- Long-term care workers unless specifically excluded in this order; and
- Workers in any Health Care Setting, as defined herein.

“Health Care Provider” does not include, for purposes of this order:

- Individual providers, as defined in RCW 74.39A.240;
- Providers of personal care in a person’s home, such as home care, home health or hospice care;
- Providers who are not actively practicing or providing services; and
- Providers who provide services only at one or more of the settings that are expressly excluded from the list of Health Care Settings under this order.

c. “Health Care Setting” is any public or private setting that is primarily used for the delivery of in-person health care services to people, except as specifically exempted below. If located at a facility that is primarily used for the delivery of health-care services, such as a hospital, then the entire facility is a Health Care Setting. If located at a facility that is primarily used for another purpose, such as a pharmacy within a grocery store, school nurse’s office, or vaccination clinic within a business establishment, the Health Care Setting includes only the areas that are primarily used for the delivery of health care and the areas regularly occupied by Health Care Providers and people seeking care, but not the other areas of the facility.

“Health Care Setting” includes, but is not limited to:

- Acute care facilities, including, but not limited to, hospitals;
- Long-term acute care facilities;
- Inpatient rehabilitation facilities;
- Inpatient behavioral health facilities, including, but not limited to, evaluation and treatment facilities, residential treatment facilities, secure detox facilities;
- Residential long-term care facilities, including, but not limited to, nursing homes, assisted living facilities, adult family homes, settings where certified community residential services and supports are provided, and enhanced services facilities;
- Mobile clinics or other vehicles where health care is delivered;
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, and behavioral health facilities (including offices of psychiatrists, mental health counselors, and substance use disorder professionals);
- Dental and dental specialty facilities;
- Pharmacies (not including the retail areas);
- Massage therapy offices (this includes designated areas where massage is administered within non-health care settings like spas and wellness/fitness centers);
- Chiropractic offices;
- Midwifery practices and stand-alone birth centers;
- Isolation and/or quarantine facilities;
- Ambulatory surgical facilities;
- Urgent care centers; and
- Hospice care centers.

“Health Care Setting” does not include:

- Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), other than areas primarily used for the delivery of health care services, such as designated first aid areas (which are Health Care Settings);
- Department of Children, Youth & Families (DCYF)-licensed foster homes that do not primarily provide health care services;
- Research facilities where no health care is delivered to people;
- Veterinary health care settings;
- Animal control agencies; and
- Non-profit humane societies.

d. “State Agency” includes:

- Every agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet>;
- Every agency listed at <https://www.governor.wa.gov/office-governor/office/small-cabinet>; and
- Every agency under the authority of a board, council, or commission listed at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf except the State Board for Community and Technical Colleges and the governing boards of four-year institutions of higher education.

- e. “Fully Vaccinated against COVID-19”: A person is fully vaccinated against COVID- 19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Johnson & Johnson (J&J)/Janssen.

ADDITIONALLY, the specific prohibitions in this Proclamation are severable and do not apply to the extent that compliance with a prohibition would violate (1) any U.S. or Washington constitutional provision; (2) federal statutes or regulations; (3) any conditions that apply to the state’s receipt of federal funding; (4) state statutes; or (5) applicable orders from any court of competent jurisdiction.

ADDITIONALLY, nothing in this Proclamation limits otherwise applicable requirements related to personal protective equipment, personnel training, and infection control policies and procedures.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 9th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

21-15

Transfer or Discharge of Nursing Home Residents - COVID-19 Delta Variant

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians’ ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health-care

system; and

WHEREAS, to protect some of our most vulnerable populations – persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities – and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents and visitors in those facilities; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “Delta” variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals, causing a fifth wave of infections that is as significant as the one in the 2020 fall and winter; and

WHEREAS, as of August 22, according to the Washington State Department of Health, 2021, COVID-19 related hospitalizations were the highest they have been since the beginning of the pandemic and are occurring across all age groups; and

WHEREAS, the Delta variant of COVID-19 is placing unprecedented demands on our health care system, requiring certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19, especially the new Delta variant, and relieve stress on the overburdened health care system; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are long term care residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 is hereby amended to waive and suspend certain statutory and regulatory provisions that prevent, hinder, or delay action that is necessary to cope with the COVID-19 pandemic by temporarily expediting the ability to transfer or discharge nursing home residents to other long-term care facilities for specific COVID-19 related cohorting purposes, as provided herein.

I continue to direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations and limitations will prevent, hinder, or delay certain transfers

or discharges of nursing home residents to other long- term care facilities that are necessary to expedite the grouping or cohorting of residents to reduce the spread of COVID-19, especially the Delta variant, among our most vulnerable populations and to relieve stress on our health care system to meet the increased demand of addressing COVID-19 related illnesses, and that each statutory and regulatory provision or portion thereof as specified below is hereby waived and suspended until 11:59 p.m. on October 2, 2021:

1. RCW 74.42.450(6) in its entirety.
2. WAC 388-97-0140(1)(c)(ii) in its entirety.
3. WAC 388-97-0140(2) in its entirety.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 3rd day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

**20-25.15
“WASHINGTON READY”**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, et seq., which limits Washingtonians’ ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health-care system; and

WHEREAS, although COVID-19 continues to be an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of many eligible Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, as of August 16, 2021, at least 69.3 percent of people 12 years of age and older and 59.1 percent of the total population have initiated vaccination, and at least 63.1 percent of people 12 years of age and older and 53.8 percent of the total population are fully vaccinated; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “Delta” variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, has caused COVID- 19 cases and hospitalizations to rise sharply among unvaccinated populations, has resulted in breakthrough infections in some fully vaccinated individuals, and continue to rise; and

WHEREAS, over the past 18 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention (CDC), and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include

(1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, (4) the denser the occupancy for indoor facilities, and (5) the lack of use of face coverings; and

WHEREAS, the CDC updated its face covering guidance on July 27, 2021 to recommend the use of face coverings indoors in areas of the U.S. where community transmission of the virus was considered high or substantial, and as of August 16, 2021 at least 85 percent of U.S. counties and all counties in Washington state meet the CDC criteria for high or substantial transmission; and

WHEREAS, the health officers representing all 35 local health jurisdictions in Washington state have joined together to recommend that all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown, to reduce the risk of COVID-19 to the public, including customers and workers, to help stem the increase in COVID-19 cases and hospitalizations in many parts of the state and decrease the spread of the highly contagious Delta variant; and

WHEREAS, given the substantial increase of community transmission of COVID-19, and to further our individual and collective duty to reduce the spread of COVID-19 in our state, it is necessary to again prohibit the use of indoor spaces without the use of a face covering; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., remains in full force and effect, except as specifically amended by this Proclamation 20-25.15, as set out below.

FURTHERMORE, I hereby amend the provisions in 20-25, et seq., as they relate to face coverings to prohibit any individual from failing to wear a face covering as required by the Secretary of Health's face covering [order](#) and any subsequent amendments. I further prohibit any governmental, commercial, or nonprofit entity or private party from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health's face covering [order](#) and any subsequent amendments.

ADDITIONALLY, in furtherance of these prohibitions, and for general awareness:

1. The prohibition against entering or remaining in any indoor space without a face covering in prior versions of Proclamation 20-25 is hereby rescinded and replaced with the prohibition imposed in and pursuant to this version of Proclamation 20-25, which is titled Proclamation 20-25.15. The Secretary of Health's face covering [order](#) and any subsequent amendments are incorporated by reference.
2. Employers must comply with all conditions for operation required by the Washington State Department of Labor & Industries, including interpretive [guidance](#), regulations and rules [and](#) Department of Labor & Industries-administered statutes.
3. Employers must notify their local health jurisdiction within 24 hours if they suspect COVID-19 is spreading in their workplace, or if they are aware of two or more employees who develop confirmed or suspected COVID-19 within a 14-day period.
4. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.

All mandatory guidelines for specific businesses and activities, which remain in effect except as modified by this Proclamation, may be found at the Governor's Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#). Existing guidelines that require proof of vaccination for certain settings and activities remain in effect until such time as those guidelines are expressly modified.

ADDITIONALLY, in support and clarification of this proclamation:

1. **General rule:** General face covering requirements are found in the Secretary of Health's face covering [order](#), and any subsequent amendments, as incorporated herein by reference.
2. **Additional local restrictions may apply:** Nothing in this proclamation or in the Secretary of Health's face covering [order](#) prevents any other individual or entity from imposing face covering or other restrictions or requirements in businesses or other locations within the scope of their legal authority.
3. **Customers:** Businesses are prohibited from allowing customers to enter or remain in an indoor space in a business unless the customer is wearing a face covering, in accordance with the Secretary of Health's face covering order. Businesses must post signage in a prominent location visible to customers at each entry informing customers of the face covering requirement.
4. **Employees:** All employees are required to wear a face covering indoors at the employee's worksite in accordance with the Secretary of Health's face covering order. Unless additional restrictions are imposed by the employer or a state or local authority, or face coverings are legally required at the specific worksite regardless of vaccination status, a fully vaccinated employee may work indoors without wearing a face covering at the employer's worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health's face covering order, but only after the employee has either provided (a) proof of vaccination to the employer; or (b) a signed document attesting to the employee's fully vaccinated status, *except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*. The option, if applicable, to provide a signed self-attestation may be done in hard copy or electronically.
5. **Employers:** Employers are required to provide a safe and healthy workplace and must assess hazards in their workplace and take appropriate steps to protect workers. COVID-19 remains a recognized hazard that continues to pose a significant risk to the health and life of employees. Employers must require that employees wear a face covering in accordance with the Secretary of Health's face covering order; to that end, employers:
 - a. Must choose a method of proof of vaccination, documented proof of vaccination or self-attestation (*except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*), and require such proof from every employee before those employees are permitted to work without wearing a face covering at the employer's worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health's face covering order referenced above.
 - b. Notwithstanding (a) above, may require that employees wear a face covering while at the worksite in all areas regardless of vaccination status; and
 - c. May require vaccination as a condition of employment, except as prohibited by state or federal law.

ADDITIONALLY, in addition to guidance issued by the Department of Health and the Department of Labor & Industries, additional guidance for businesses, employees, and customers may be found [here](#) and is incorporated by reference, and such guidance may be updated periodically and all such updates are also incorporated by reference.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply, I may be forced to reinstate additional prohibitions established in earlier proclamations.

This order is effective August 23, 2021. Unless extended or amended, or upon termination of this amendatory proclamation, the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

This order also supersedes Emergency Order 20-60, which is hereby rescinded, effective immediately.

Signed and sealed with the official seal of the state of Washington on this 20th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-14**

**21-14.1
COVID-19 VACCINATION REQUIREMENT**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20- 25, et seq., which limit Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, to protect some of our most vulnerable populations—persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities—and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents, and visitors in those facilities; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life- saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "Delta" variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID- 19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), as of August 1, 2021, approximately 67% of staff in Washington state nursing homes were fully vaccinated; and

WHEREAS, healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's (FDA) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under the FDA's Emergency Use Authorizations; and

WHEREAS, on July 26, 2021, approximately 60 medical groups, including the American Medical Association, the American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, the American Nurses Association, the American Academy of Physician Assistants, the Association of Professionals in Infection Control and Epidemiology, the American Public Health Association, the Infectious Diseases Society of America, LeadingAge, the National Hispanic Medical Association, the National Medical Association, and the Society of Infectious Disease Pharmacists, issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the "fulfillment of the ethical commitment of all health care workers to put patients as well as residents of long-term care facilities first and take all steps necessary to ensure their health and well-being"; and on August 2, 2021, the Washington State Society of Post-Acute and Long-Term Care Medicine submitted a letter in support of the above noted July 26, 2021 memorandum; and

WHEREAS, on July 15, 2021, the American College of Obstetricians and Gynecologists, together with the Society for Maternal-Fetal Medicine, posted a formal opinion stating that medical professionals have an ethical obligation to be vaccinated against COVID-19 to prevent the spread of harmful infectious diseases, and that women who are or may become pregnant should be vaccinated against COVID-19; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees live in and provide services to the public in every county in our state, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after state work hours; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I issued Proclamation 21-14 requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, child-care settings, K-12 schools, colleges, universities, and community colleges, (collectively, "educational settings") are foundations of Washington's communities and its future, and provide a variety of vital services to students, families, and communities, thereby making providing childcare services and in-person instruction in the fall 2021 a priority; and

WHEREAS, increasing vaccination rates at educational settings is the strongest protective measure against COVID-19 available and, together with masking, vital to providing in-person instruction in as safe a manner as possible; and

WHEREAS, on July 12, 2021, I issued Proclamation 20-12.4 prohibiting institutions of higher education from providing in-person instruction unless the institutions comply with specific requirements related to vaccination, masking, and operations; and

WHEREAS, on July 30, 2021, I issued Proclamation 20-9.4, prohibiting K-12 schools from providing in-person learning unless the schools comply with masking instructions provided by the Department of Health and the Office of the Superintendent of Public Instruction; and

WHEREAS, the sharp increase in COVID-19 cases and hospitalizations, primarily among unvaccinated populations but also in breakthrough infections in some fully vaccinated individuals, makes it vital to expand the vaccination requirement to workers in educational settings; and

WHEREAS, to provide additional clarity I am extending the prohibition to additional groups and providing additional guidance relating to the vaccination requirement imposed in Proclamation 21.14; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby amend and supersede the prohibitions in 20-14 as set out below, subject to the conditions, exceptions, and circumstances also set forth below, for the following activities:

1. Prohibitions. This order prohibits the following:
 - a. Any Worker from engaging in work for a State Agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - b. Any State Agency from permitting any Worker to engage in work for the agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - c. Any Worker from engaging in work for the operator of an Educational Setting after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - d. Any operator of an Educational Setting from permitting a Worker to engage in work for the operator after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - e. Any Health Care Provider from failing to be fully vaccinated against COVID-19 after October 18, 2021; and
 - f. Any operator of a Health Care Setting from permitting a Health Care Provider to engage in work for the operator as an employee, contractor, or volunteer in their capacity as a Health Care Provider after October 18, 2021 if the Health Care Provider has not been fully vaccinated against COVID-19 and provided proof thereof as required below. Providers who do not work in a Health Care Setting must provide proof of vaccination to the operator of the facility in which the Provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdictions, and the state Department of Health.
2. Exemptions from Vaccine Requirement.
 - a. Disability and Religious Accommodations
 - Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are not required to get vaccinated against COVID-19 under this Order if they are unable to do so because of a disability or if the requirement to do so conflicts with their sincerely held religious beliefs, practice, or observance. Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are prohibited from claiming an exemption or accommodation on false, misleading, or dishonest grounds, including by providing false, misleading, or dishonest information to a State Agency, operator of an Educational Setting, or operator of a Health Care Setting when seeking an accommodation.
 - In implementing the requirements of this Order, State Agencies, operators of Educational Settings, and operators of Health Care Settings:
 - Must provide any disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of this Order that are required under the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973 (Rehabilitation Act), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. As provided in the above- noted laws, State Agencies, operators of Educational Settings, and operators of Health Care Settings are not required to provide accommodations if they would cause undue hardship.
 - Must comply with the procedures required under the above-noted laws and any other applicable law when considering and deciding whether to provide accommodations;
 - Must, to the extent permitted by law, before providing a disability- related reasonable accommodation to the requirements of this order, obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation;
 - Must, to the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Order, document that the request for an accommodation has been made and include a statement in the document explaining the way in which the requirements of this order conflict with the sincerely held religious belief, practice, or observance of the individual;
 - Must, to the extent permitted by law, require an individual who receives an accommodation to take COVID-19 safety measures that are consistent with the recommendations of the state Department of Health for the setting in which the individual works; and

- Are prohibited from providing accommodations:
 - That they know are based on false, misleading, or dishonest grounds or information;
 - That they know are based on the personal preference of the individual and not on an inability to get vaccinated because of a disability or a conflict with a sincerely held religious belief, practice, or observance; or
 - Without conducting an individualized assessment and determination of each individual’s need and justification for an accommodation; i.e., “rubberstamping” accommodation requests.
- c. Any individual who is unable to get fully vaccinated against COVID-19 by October 18, 2021 due to the requirements of their participation in a COVID-19 vaccine clinical trial is exempt from this Order. Any such individual who is a Worker for a State Agency or a Worker for an operator of an Educational Setting must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any State Agency or operator of an Educational Setting for which they engage in work. Any such individual who is a Health Care Provider must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any operator of a Health Care Setting for which they engage in work as an employee, contractor, or volunteer in their capacity as a Health Care Provider. A State Agency, operator of an Educational Setting, or operator of a Health Care Setting is prohibited from permitting any such individual to engage in work for them after October 18, 2021 if the individual fails to provide such proof.
- d. Individuals who are too young to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, are exempt from this Order. Any individual who becomes old enough to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, while this Order is in effect must come into compliance with the requirements of this Order within 60 days of the day they became eligible. Any State Agency, operator of an Educational Setting, or operator of a Health Care Setting for which such an individual engages in work must also come into compliance with the requirements of this Order with respect to the individual by that deadline.
- 3. Proof of Full Vaccination Against COVID-19:
 - a. Where required above, Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers must provide proof of full vaccination against COVID-19 by providing one of the following:
 - CDC COVID-19 Vaccination Record Card or photo of the card;
 - Documentation of vaccination from a health care provider or electronic health record;
 - State immunization information system record; or
 - For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.
 - b. A State Agency, operator of an Educational Setting, or an operator of a Health Care Setting must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every individual who is engaged in work for them and required to provide such proof under this Order.
 - c. Personal attestation is not an acceptable form of verification of COVID-19 vaccination.
- 4. Election to Require Employers of Contractors to Assume Responsibility for Vaccination Verification and Accommodation Requirements
 - a. Notwithstanding anything to the contrary in this Order, a State Agency, an operator of an Educational Setting, or an operator of Health Care Setting may elect to require the employer of a contractor who is subject to this Order to assume responsibility for the vaccination verification and accommodations requirements in this Order. This election may be made with respect to any or all of an employer’s contractor-employees who are subject to this Order.
 - b. If such an election is made, after October 18, 2021, the employer’s contractor- employees are prohibited from engaging in work for the State Agency, operator of the Educational Setting, or operator of the Health Care Setting, and the State Agency, operator of the Educational Setting, or operator of the Health Care Setting is prohibited from permitting such employee to engage in work for them, unless the following requirements are met:
 - By October 18, 2021, the employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every current employee who is subject to the vaccination requirement in this Order;
 - The employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every employee hired after October 18, 2021 who is subject to the vaccination requirement in this Order;
 - The employer must follow the requirements for granting disability and religious accommodations to its current and future employees that apply to State Agencies, operators of Educational Settings, and operators of Health Care Settings under this Order;
 - By October 18, 2021, the employer must submit to the State Agency, operator of the Educational Setting, or operator of the Health Care Setting a signed declaration in substantially the form prescribed in RCW 5.50.050 declaring that the employer has met the above requirements;
 - The employer must submit additional signed declarations upon the request of and by the date designated by the State Agency, operator of the Educational Setting, or operator of the Health Care Setting;
 - If an employer is also a contractor subject to this Order, the employer must include in their declaration that the employer is fully vaccinated against COVID-19 or is unable to get vaccinated because of a disability or a conflict between the vaccination requirement and their sincerely held religious beliefs, practice, or observance, as applicable; and
 - The employer must cooperate with any investigation or inquiry the State Agency, operator of the Educational Setting,

or operator of the Health Care Setting makes into the employer’s compliance with these requirements, including by providing information and records upon request, except any information or records that the employer is prohibited by law from disclosing.

- c. Any State Agency, operator of an Educational Setting, or operator of Health Care Setting who makes the election above retains the right to investigate or inquire into the employer’s compliance with the above requirements, to obtain proof of vaccination directly from any contractor-employee, and to withdraw the election in whole or in part at any time.
5. **Public and Private Entities and Employers May Exceed These Requirements:** Nothing in this order prohibits State Agencies, operators of Educational Settings, and operators of Health Care Settings from implementing requirements that exceed the requirements of this Order.
6. **Definitions.**
 - a. “Worker”:
 - “Worker” includes:
 - A person engaged to work as an employee, on-site volunteer, or on-site contractor for a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting, as applicable;
 - The director, secretary, or other executive officer of a State Agency; and
 - A person appointed to serve on a board, commission, or similar body that is an executive cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency listed at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>, the State Board for Community and Technical Colleges, a board of trustees for a community or technical college, or a governing board of a four-year institution of higher education.
 - The following exceptions apply to the definition of “Worker”:
 - Visitors and patrons are not Workers.
 - In Educational Settings:
 - o Students of, persons attending, and persons receiving services at or from an Educational Setting are not Workers.
 - o On-site contractors are not Workers if they do not work in places where students or persons receiving services are present.
 - o Family, friend, and neighbor (FFN) child care providers are not Workers.
 - For any State Agency that is listed as an agency under the authority of a board, council, or commission at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf and that is not also listed as an executive cabinet agency at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>, other than the State Board for Community and Technical Colleges, the boards of trustees for community and technical colleges, and the governing boards of four-year institutions of higher education, only the State Agency’s compensated employees are “Workers” subject to the requirements of this proclamation.
 - b. “Contractor” includes any person who provides goods, services, or public works services pursuant to a contract with another person or entity, including, for purposes of this Order, a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting. The term includes subcontractors. The term does not include parties to a lease or rental agreement, unless the agreement requires a party to provide services, in which case only the persons who provide those services are “contractors.”
 - c. “Contract” is defined as provided under Washington law. Generally, a contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty, regardless of the particular form, title, or description is not relevant.
 - d. “Health Care Provider” includes:
 - Individuals with credentials listed in the [Healthcare Professional Credentialing Requirements](#) list;
 - Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential;
 - Long-term care workers unless specifically excluded in this order; and
 - Workers in any Health Care Setting, as defined herein.
 “Health Care Provider” does not include, for purposes of this order:
 - Individual providers, as defined in RCW 74.39A.240;
 - Individuals who provide only personal care services, as defined in RCW 74.39A.009(24), in people’s homes;
 - Providers who are not actively practicing or providing services; and
 - Providers who provide services only at one or more of the settings that are expressly excluded from the list of Health Care Settings under this order.
 - e. “Health Care Setting” is any public or private setting that is primarily used for the delivery of in-person health care services to people, except as specifically exempted below. If located at a facility that is primarily used for the delivery of health-care services, such as a hospital, then the entire facility is a Health Care Setting. If located at a facility that is

primarily used for another purpose, such as a pharmacy within a grocery store, school nurse's office, or vaccination clinic within a business establishment, the Health Care Setting includes only the areas that are primarily used for the delivery of health care, but not the other areas of the facility.

"Health Care Setting" includes, but is not limited to:

- Acute care facilities, including, but not limited to, hospitals;
- Long-term acute care facilities;
- Inpatient rehabilitation facilities;
- Inpatient behavioral health facilities, including, but not limited to, evaluation and treatment facilities, residential treatment facilities, secure detox facilities;
- Residential long-term care facilities, including, but not limited to, nursing homes, assisted living facilities, adult family homes, settings where certified community residential services and supports are provided, and enhanced services facilities;
- Mobile clinics or other vehicles where health care is delivered;
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, and behavioral health facilities (including offices of psychiatrists, mental health counselors, and substance use disorder professionals);
- Dental and dental specialty facilities;
- Pharmacies (not including the retail areas);
- Massage therapy offices (this includes designated areas where massage is administered within non-health care settings like spas and wellness/fitness centers);
- Chiropractic offices;
- Midwifery practices and stand-alone birth centers;
- Isolation and/or quarantine facilities;
- Ambulatory surgical facilities;
- Urgent care centers; and
- Hospice care centers.

"Health Care Setting" does not include:

- Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), other than areas primarily used for the delivery of health care services, such as designated first aid areas (which are Health Care Settings);
- Department of Children, Youth & Families (DCYF)-licensed foster homes that do not primarily provide health care services;
- Research facilities where no health care is delivered to people;
- Veterinary health care settings;
- Animal control agencies; and
- Non-profit humane societies.

d. "State Agency" includes:

- Every agency listed at <https://www.governor.wa.gov/officegovernor/office/executive-cabinet>;
- Every agency listed at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>; and
- Every agency under the authority of a board, council, or commission listed at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf.

e. "Educational Setting" includes:

- All public and private universities, colleges, community colleges, and technical colleges and private career/vocational schools subject to licensure by the Workforce Training & Education Coordinating Board;
- All public schools, public school districts, charter schools, private schools, educational service districts, the Washington School for the Deaf, the Washington State School for the Blind, and the Washington Youth Academy; and
- All early learning and child care programs serving groups of children from multiple households, including, but not limited to, Early Childhood Education and Assistance Programs, Family Home Child Care, Child Care Centers, Outdoor, Nature-based Child Care, School-aged Child Care, license-exempt preschools, and license-exempt youth development programs (e.g., municipal parks & recreation programs, YMCA, Boys & Girls Clubs).

e. "Fully Vaccinated against COVID-19": A person is fully vaccinated against COVID-19 two weeks after they have

received the second dose in a two-dose series of a COVID-19 vaccine (e.g., Pfizer-BioNTech or Moderna) or a single-dose COVID-19 vaccine (e.g., Johnson & Johnson (J&J)/Janssen) authorized for emergency use, licensed, or otherwise approved by the FDA or listed for emergency use or otherwise approved by the World Health Organization.

- f. “On-site volunteer” and “on-site contractor” includes:
 - A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work while physically present at a building, facility, jobsite, project site, unit, or other defined area owned, leased, occupied by, or controlled by a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting.
- “On-site volunteer” and “on-site contractor” does not include:
 - A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work during which they are physically present at a site for only a short period of time and any moments of close physical proximity to others on site are fleeting. Examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
- g. “Operator of an Educational Setting” and “operator of a Health Care Setting” do not include clients, patients, patrons, customers, or similar individuals served by Worker for a State Agency, Worker for an Educational Setting, or Health Care Provider.

ADDITIONALLY, the specific prohibitions in this Proclamation are severable and do not apply to the extent that compliance with a prohibition would violate (1) any U.S. or Washington constitutional provision; (2) federal statutes or regulations; (3) any conditions that apply to the state’s receipt of federal funding; (4) state statutes; or (5) applicable orders from any court of competent jurisdiction.

ADDITIONALLY, nothing in this Proclamation limits otherwise applicable requirements related to personal protective equipment, personnel training, and infection control policies and procedures.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 20th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-12, et seq., AND 20-25, et seq.**

**20-12.5
Higher Education**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its persistence in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December 2020, the administration of vaccinations to prevent infection with the coronavirus that causes COVID-19 symptoms; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health (DOH) have determined that the COVID-19 vaccines that have received emergency approval, or full approval, by the U.S. Food & Drug Administration are safe and effective against infection with the coronavirus that causes COVID-19; and

WHEREAS, everyone age 12 and older is currently eligible to receive a vaccination against the coronavirus causing COVID-19 symptoms, and Washington health care providers, in collaboration with public health and other community partners, have successfully administered millions of vaccine doses, but have millions more doses to administer, and it is necessary to achieve the highest rate of vaccination of the United States population as possible; and

WHEREAS, on March 13, 2020, in recognition of experts' warnings that continued normal operation of public and private universities, colleges, community colleges, and technical colleges could increase the spread of COVID-19 throughout Washington State, I issued Emergency Proclamation 20-12 prohibiting public and private universities, colleges, community colleges, and technical colleges from conducting in-person classroom instruction and lectures related to all educational programs; and

WHEREAS, the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges, community colleges, and technical colleges remained in modified operation, which included remote learning and certain programs for essential workers; and

WHEREAS, Washington's public and private universities, colleges, community colleges, and technical colleges are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

WHEREAS, using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians; and

WHEREAS, the progression of COVID-19 in Washington State shows ethnic disparities in health impacts which are likely to increase ethnic disparities in access and success in post-secondary education, requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

WHEREAS, although public and private universities, colleges, community colleges, and technical colleges made tremendous efforts to continue to function through remote learning, in-person learning benefits Washington; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to provide in-person learning at public and private universities, colleges, and technical schools only through a science-based approach that incorporates safety, sanitation, and physical distancing guidelines; and

WHEREAS, during the initial return to campus in the fall of 2020, there were more than 35 COVID-19 outbreaks linked to public and private institutions of higher education, and some higher education institutions have seen a substantial increase in COVID-19

positive cases that are tied to both congregate living arrangements, including fraternities and sororities, and also large social gatherings of students, thereby triggering the need to increase safety measures to address these outbreaks; and

WHEREAS, I issued Proclamations 20-12.1 and 20-12.2 to permit Washington's public and private universities, colleges, community colleges, and technical colleges to resume in-person instruction, lectures and similar educational gatherings, provided that extensive safety requirements were implemented, and to impose certain safety requirements on shared housing; and

WHEREAS, the widespread availability of safe and effective COVID-19 vaccinations makes it appropriate to lift legally-mandated safety requirements for public and private universities, colleges, community colleges, and technical colleges that have committed to implementing vaccination requirements on their campuses; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace, and

WHEREAS, students attending public and private universities, colleges, community colleges, and technical colleges are largely in the age demographic with the highest rate of COVID-19 cases and the lowest rate of vaccinations of those over the age of 18, which, taken with the foregoing, justifies continuing to mandate certain safety measures for public and private universities, colleges, community colleges, and technical colleges that choose not to implement vaccination requirements on their campuses; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "delta" variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations, have resulted in breakthrough infections in some fully vaccinated individuals, and continue to rise; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, (4) the denser the occupancy for indoor facilities, and (5) the lack of use of face coverings; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccines were first available in Washington State in December 2020, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization and now even full authorization in some circumstances; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, on August 9, 2021, due, in part, to the above described conditions, I issued Proclamation 21- 14, which prohibits, with limited exceptions, certain workers from continuing to engage in their work after October 18, 2021 unless that worker is fully vaccinated, and also prohibits certain employers from continuing to employ any worker from engaging in work for that employer unless the worker is fully vaccinated by October 18, 2021; and

WHEREAS, DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with DOH in assessing the impacts and

long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20- 12, et seq., and 20-25, et seq., continue in effect except as amended herein, to allow for in-person classroom instruction, lectures and similar educational gatherings at public and private universities, colleges, community colleges, and technical colleges (referred to hereafter collectively as institutions of higher education, or IHEs), provided certain requirements are and continue to be satisfied.

FURTHERMORE, IHEs that do not have fully vaccinated campuses are prohibited from providing in-person classroom instruction, lectures and similar educational gatherings, except when they implement, follow, and enforce the requirements specified below. IHEs with fully vaccinated campuses are wholly exempt from this proclamation and encouraged, but not required, to follow DOH's COVID-19 recommendations for higher education.

IHEs WITH FULLY VACCINATED CAMPUSES

An IHE has a fully vaccinated campus and is exempt from this proclamation when it meets all of the following requirements:

- By October 18, 2021, the IHE is in full compliance with Proclamation 21-14.1 et seq. (Vaccination Requirement).
- The IHE implements a policy requiring all of its students who participate in or attend IHE courses, operations, or other activities in person at IHE locations to be fully vaccinated against COVID-19, subject to any medical exemptions required by law and any religious exemptions the IHE provides.
 - For purposes of this proclamation, a person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use by the FDA (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose COVID-19 vaccine authorized for emergency use by the FDA (e.g., Johnson & Johnson (J&J)/Janssen). For purposes of this proclamation, an IHE may consider a person fully vaccinated against COVID-19 two weeks after they have received all recommended doses of a COVID-19 vaccine that is listed for emergency use by the World Health Organization (WHO).
- The IHE implements a policy and procedure to verify the vaccination status of students who are not exempt from the vaccination requirement:
 - The IHE must verify the vaccination status of all students by obtaining or observing documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination from a health care provider, or a state immunization information system record, or obtaining a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:
 - The dates when each dose of the COVID-19 vaccine was administered to the student;
 - Language stating that the student is attesting to the truthfulness of their self- attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE's code of conduct or equivalent; and
 - Language stating that the IHE and state and local public health officials may require further verification of the student's vaccination status, including observing the student's CDC vaccination card, state immunization information system record, or other documentation.
- The IHE implements a policy requiring every student, staff member, and faculty member who claims an exemption to the vaccination requirements in this Order and Proclamation 21-14.1 et seq. and every volunteer, contractor, and visitor to wear a face covering at IHE locations in accordance with the Secretary of Health's [face covering order](#) and to comply with any applicable L&I workplace safety requirements. For people claiming exemptions to the Secretary of Health's [face covering order](#), the IHE's policy must include putting in place other safety measures to protect the safety of the exempt people and others.

REQUIREMENTS FOR IHEs WITHOUT FULLY VACCINATED CAMPUSES

An IHE without a fully vaccinated campus must meet all of the following requirements:

Campus Safety

- By October 18, 2021, be in full compliance with Proclamation 21-14.1 et seq. (Vaccination Requirement).
- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop a comprehensive COVID-19 infection control plan incorporating the requirements below, applicable workplace safety requirements, and best practices in [CDC](#) and [DOH](#) guidance for IHEs, and make available a copy of the plan at each location on campus;
- Implement a policy and procedure requiring all fully vaccinated students who participate in or attend IHE courses, operations, or other activities in person at IHE locations to provide documentary proof of full vaccination. The IHE must obtain or observe documentary proof of full vaccination, such as a CDC vaccination card, documentation of vaccination

from a health care provider, or a state immunization information system record, or obtain a hard copy or electronically signed self-attestation from the student. Any student self-attestation must include the following information:

- The dates when each dose of the COVID-19 vaccine was administered to the student;
- Language stating that the student is attesting to the truthfulness of their self-attestation and will be subject to disciplinary action if their self-attestation is determined to be untruthful in violation of the IHE's code of conduct or equivalent; and
- Language stating that the IHE and state and local public health officials may require further verification of the student's vaccination status, including viewing the student's CDC vaccination card, state immunization information system record, or other documentation;
- The IHE must presume all persons on campus are unvaccinated until proof of vaccination is provided.
- Enforce compliance with the Secretary of Health's [face covering order](#) and L&I's requirements inside IHE facilities;
- To the extent permitted by law, require all students, regardless of vaccination status, to wear face coverings when meeting with a faculty member for office hours or similar purposes, if requested by the faculty member;
- Maintain minimum physical distancing, whenever possible, of three feet between all non-household members indoors on campus, including students, faculty, staff, volunteers, contractors, and visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain hand washing policies to ensure frequent and adequate hand washing and maintain adequate supplies;
- Implement and maintain adequate sanitization protocols consistent with CDC's [Cleaning and Disinfecting Your Facility](#) guidance and [Guidance for Institutions of Higher Education \(IHEs\)](#) and the U.S. Environmental Protection Agency's [list](#) of disinfectants for COVID-19;
- Implement and maintain a self-certification COVID-19 screening program for students and personnel consistent with DOH's [Guidance for Daily COVID-19 Symptom Screening of Staff and Guests](#);
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or confirmed to have COVID-19;
- If students or personnel are experiencing any known COVID-19 symptoms, are confirmed to have COVID-19, or have been exposed to a confirmed case of COVID-19, require them to follow the direction of the local health jurisdiction and, to the extent not inconsistent with that direction, DOH's [Evaluation and Management of Persons with New Unexplained Symptoms of COVID-19](#), [What to do if you were potentially exposed to someone with COVID-19](#), and [What to do if you have confirmed or suspected COVID-19](#) and CDC's [What to Do If You Are Sick](#) guidance;
- Make diligent efforts to monitor and enforce compliance with the requirements of this proclamation by students and personnel within the institution's disciplinary authority and procedures and any other applicable authority;
- Develop a plan with the relevant local health jurisdiction to address the isolation and quarantine needs of any personnel and students who have confirmed or suspected COVID-19 or exposure to an individual confirmed to have COVID-19 and are unable to isolate or quarantine in their usual place of residence; and
- Assess recognized hazards, including COVID-19, as part of the ongoing requirement to provide a safe and healthy workplace and, where appropriate, take additional steps to protect unvaccinated employees. Appropriate steps could include but are not limited to maximizing fresh air and providing a mask that is more protective than a cloth face covering. These should be considered as part of the IHE's comprehensive infection control plan.

Student Worker and Personnel Support

- Provide student workers and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for student workers/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits), and shut down or suspend any activity if PPE cannot be provided;
- Comply and require compliance with L&I requirements for face coverings and the Secretary of Health's [face covering order](#) as applicable to the workplace except where this order is more stringent;
- Comply with all applicable laws providing protections for high risk workers, including, but not limited to, the [Health Emergency Labor Standards Act](#); and
- Educate students and personnel on symptom detection, sources of high risk to COVID-19, prevention measures, and leave benefits/policies.

Visitor Expectations

- Post visible entry point signage for students, personnel, and visitors describing shared on-campus responsibilities and requirements, including those regarding proper hygiene and sanitization, physical distancing and face coverings, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

Food Services

- Implement floor markings to promote physical distancing;
- Post signs to remind patrons of physical distancing and face covering requirements and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales); and
- Enforce compliance with the Secretary of Health’s [face covering order](#) and L&I’s requirements inside IHE food service facilities

FURTHERMORE, if a conflict exists between this proclamation (20-12.5) and proclamation 21-14.1 et seq., the provisions of proclamation 21-14.1 et seq., shall control.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

This Proclamation, and the prohibitions and orders contained herein are effective immediately and will remain in effect until rescinded or otherwise amended. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 27th day of August, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

**20-22.10
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it continues to pose to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the

nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on December 2, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of February 28, 2021, or the revocation of the federally-declared COVID-19 national emergency, and expanded its application to include transportation of vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19, while continuing to impose specific restrictions and limitations on its application; and

WHEREAS, on February 17, 2021, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of May 31, 2021, or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, on May 26, 2021, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of August 31, 2021, or the revocation of the federally-declared COVID-19 national emergency, unless earlier modified or terminated; and

WHEREAS, on August 31, 2021, the Federal Motor Carrier Safety Administration again extended, and expanded the scope of the exemptions to include fuels and other supplies to assist those directly impacted by COVID-19 in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through the earlier of November 30, 2021, or the revocation of the federally-declared COVID-19 national emergency, unless earlier modified or terminated; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington State regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the August 31, 2021, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on November 30, 2021, or the end of the COVID-19 pandemic emergency.

FURTHERMORE, to fully incorporate the federal waiver described herein, the Federal Motor Carrier Safety Administration Emergency Declaration 2020-002, issued initially on March 13, 2020, and most recently amended on August 31, 2021, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance, and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on November 30, 2021. This regulatory relief is limited to transportation of:

- (1) Livestock and livestock feed;
- (2) Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (3) Vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19;
- (4) Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants;
- (5) Food, paper products and other groceries for emergency restocking of distribution centers or stores;
- (6) Gasoline, diesel, jet fuel, and ethyl alcohol; and
- (7) Supplies to assist individuals impacted by the consequences of the COVID-19 pandemic (e.g., building materials for individuals displaced or otherwise impacted as a result of the emergency).

Direct assistance does not include non-emergency transportation of qualifying commodities or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration. To be eligible for the exemption, the transportation must be both (i) of qualifying commodities and (ii) incident to the immediate restoration of those essential supplies.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

**20-25.16
“WASHINGTON READY”**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20- 25, et seq., which limits Washingtonians’ ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health-care system; and

WHEREAS, although COVID-19 continues to be an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of many eligible Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, as of August 16, 2021, at least 69.3 percent of people 12 years of age and older and percent of the total population have initiated vaccination, and at least 63.1 percent of people 12 years of age and older and 53.8 percent of the total population are fully vaccinated; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “Delta” variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the uncontinued significant numbers of unvaccinated people, has caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations, has resulted in breakthrough infections in some fully vaccinated individuals, and continue to rise; and

WHEREAS, over the past 18 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention (CDC), and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, (4) the denser the occupancy for indoor facilities, and (5) the lack of use of face coverings; and

WHEREAS, the CDC updated its face covering guidance on July 27, 2021 to recommend the use of face coverings indoors in areas of the U.S. where community transmission of the virus was considered high or substantial, and as of August 16, 2021 at least 85 percent of U.S. counties and all counties in Washington state meet the CDC criteria for high or substantial transmission; and

WHEREAS, the health officers representing all 35 local health jurisdictions in Washington state have joined together to recommend that all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown, to reduce the risk of COVID-19 to the public, including customers and workers, to help stem the increase in COVID-19 cases and hospitalizations in many parts of the state and decrease the spread of the highly contagious Delta variant; and

WHEREAS, on August 20, 2021, I issued Proclamation 20.25.15 amending Proclamation 20- 25, et. seq., by reinstating prohibitions against use of indoor spaces without the use of a face covering; and

WHEREAS, given the substantial increase of community transmission of COVID-19, and to further our individual and collective duty to reduce the spread of COVID-19 in our state, it is necessary to continue to prohibit the use of indoor spaces without the use of a face covering, and to clarify that local government agencies, officials, and authorities and landlords are prohibited from preventing or prohibiting any person or business or other entity in their jurisdictions and tenants in their properties, respectively, from imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person or taking or threatening to take any adverse action of any kind against any person or business or other entity or tenant for imposing

face covering requirements on or requiring proof of vaccination from any worker, customer, or other person; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., remains in full force and effect, except as specifically amended by this Proclamation 20- 25.16, as set out below.

FURTHERMORE, I hereby amend the provisions in 20-25, et seq., as they relate to face coverings to prohibit any individual from failing to wear a face covering as required by the Secretary of Health's face covering [order](#) and any subsequent amendments. I further prohibit any governmental, commercial, or nonprofit entity or private party from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health's face covering [order](#) and any subsequent amendments.

ADDITIONALLY, in furtherance of these prohibitions, and for general awareness:

1. The prohibition against entering or remaining in any indoor space without a face covering in prior versions of Proclamation 20-25 is hereby rescinded and replaced with the prohibition imposed in and pursuant to this version of Proclamation 20-25, which is titled Proclamation 20-25.15. The Secretary of Health's face covering [order](#) and any subsequent amendments are incorporated by reference.
2. Employers must comply with all conditions for operation required by the Washington State Department of Labor & Industries, including interpretive [guidance](#), regulations and rules [and](#) Department of Labor & Industries-administered statutes.
3. Employers must notify their local health jurisdiction within 24 hours if they suspect COVID-19 is spreading in their workplace, or if they are aware of two or more employees who develop confirmed or suspected COVID-19 within a 14-day period.
4. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
5. All mandatory guidelines for specific businesses and activities, which remain in effect except as modified by this Proclamation, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#). Existing guidelines that require proof of vaccination for certain settings and activities remain in effect until such time as those guidelines are expressly modified.

ADDITIONALLY, in support and clarification of this proclamation:

1. **General rule:** General face covering requirements are found in the Secretary of Health's face covering [order](#), and any subsequent amendments, as incorporated herein by reference.
2. **HEREBY AMENDED TO READ - Additional local restrictions may apply:** Nothing in this proclamation or in the Secretary of Health's face covering order prevents any other individual or entity from imposing face covering or other restrictions or requirements in businesses or other locations within the scope of their legal authority. In addition, local government agencies, officials, and authorities and landlords are prohibited from preventing or prohibiting any person or business or other entity in their jurisdictions and tenants in their properties, respectively, from imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person **and are further prohibited from taking or threatening to take any adverse action of any kind against any person or business or other entity or tenant for imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person**. Adverse actions prohibited by this section include, but are not limited to, denying, suspending, withholding, or terminating a contract, patronage, funding, or benefits, declining to rent or lease property, increasing rental rates, and eviction.

3. **Customers:** Businesses are prohibited from allowing customers to enter or remain in an indoor space in a business unless the customer is wearing a face covering, in accordance with the Secretary of Health’s face covering order. Businesses must post signage in a prominent location visible to customers at each entry informing customers of the face covering requirement.
4. **Employees:** All employees are required to wear a face covering indoors at the employee’s worksite in accordance with the Secretary of Health’s face covering order. Unless additional restrictions are imposed by the employer or a state or local authority, or face coverings are legally required at the specific worksite regardless of vaccination status, a fully vaccinated employee may work indoors without wearing a face covering at the employer’s worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health’s face covering order, but only after the employee has either provided (a) proof of vaccination to the employer; or (b) a signed document attesting to the employee’s fully vaccinated status, *except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*. The option, if applicable, to provide a signed self-attestation may be done in hard copy or electronically.
5. **Employers:** Employers are required to provide a safe and healthy workplace and must assess hazards in their workplace and take appropriate steps to protect workers. COVID-19 remains a recognized hazard that continues to pose a significant risk to the health and life of employees. Employers must require that employees wear a face covering in accordance with the Secretary of Health’s face covering order; to that end, employers:
 - a. Must choose a method of proof of vaccination, documented proof of vaccination or self-attestation (*except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*), and require such proof from every employee before those employees are permitted to work without wearing a face covering at the employer’s worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health’s face covering order referenced above.
 - b. Notwithstanding (a) above, may require that employees wear a face covering while at the worksite in all areas regardless of vaccination status; and
 - c. May require vaccination as a condition of employment, except as prohibited by state or federal law.

ADDITIONALLY, in addition to guidance issued by the Department of Health and the Department of Labor & Industries, additional guidance for businesses, employees, and customers may be found [here](#) and is incorporated by reference, and such guidance may be updated periodically and all such updates are also incorporated by reference.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply, I may be forced to reinstate additional prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, or upon termination of this amendatory proclamation, the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 3rd day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25, et seq.**

**20-25.17
“WASHINGTON READY”**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, et seq., which limits Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, although COVID-19 continues to be an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of many eligible Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, as of August 16, 2021, at least 69.3 percent of people 12 years of age and older and 59.1 percent of the total population have initiated vaccination, and at least 63.1 percent of people 12 years of age and older and 53.8 percent of the total population are fully vaccinated; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “Delta” variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, has caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations, has resulted in breakthrough infections in some fully vaccinated individuals, and continue to rise; and

WHEREAS, over the past 18 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention (CDC), and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, (4) the denser the occupancy for indoor facilities, and (5) the lack of use of face coverings; and

WHEREAS, the CDC updated its face covering guidance on July 27, 2021 to recommend the use of face coverings indoors in areas of the U.S. where community transmission of the virus was considered high or substantial, and as of August 16, 2021 at least 85 percent of U.S. counties and all counties in Washington state meet the CDC criteria for high or substantial transmission; and

WHEREAS, the health officers representing all 35 local health jurisdictions in Washington state have joined together to recommend that all residents wear facial coverings when in indoor public settings where the vaccination status of those around you is unknown, to reduce the risk of COVID-19 to the public, including customers and workers, to help stem the increase in COVID-19 cases and hospitalizations in many parts of the state and decrease the spread of the highly contagious Delta variant; and

WHEREAS, on August 20, 2021, I issued Proclamation 20.25.15 amending Proclamation 20-25, et. seq., by reinstating prohibitions against use of indoor spaces without the use of a face covering; and

WHEREAS, on September 3, 2021, I issued Proclamation 20-25.16 amending Proclamation 20-25, et. seq., to clarify that local government agencies, officials, and authorities and landlords are prohibited from preventing or prohibiting any person or business or other entity in their jurisdictions and tenants in their properties, respectively, from imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person or taking or threatening to take any adverse action of any kind against any person or business or other entity or tenant for imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person; and

WHEREAS, given the substantial increase of community transmission of COVID-19, the spread of COVID-19 attributable to large outdoor events, and the Secretary of Health's issuance of an amended face covering order requiring face coverings to be worn at outdoor events and gatherings attended by 500 or more people, it is necessary to amend Proclamation 20-25, et. seq. to incorporate the Secretary of Health's outdoor face covering requirements;

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25, et seq., remains in full force and effect, except as specifically amended by this Proclamation 20- 25.16, as set out below.

FURTHERMORE, I hereby amend the provisions in 20-25, et seq., as they relate to face coverings to prohibit any individual from failing to wear a face covering as required by the Secretary of Health's face covering [order](#) and any subsequent amendments. I further prohibit any governmental, commercial, or nonprofit entity or private party from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health's face covering [order](#) and any subsequent amendments. I further prohibit any organizer of an outdoor event or gathering attended by 500 or more people from allowing any individual to be in attendance unless the individual is in compliance with the Secretary of Health's face covering [order](#) and any subsequent amendments.

ADDITIONALLY, in furtherance of these prohibitions, and for general awareness:

1. The face covering requirements in prior versions of Proclamation 20-25 are hereby rescinded and replaced with the requirements imposed in and pursuant to this version of Proclamation 20-25. The Secretary of Health's face covering [order](#) and any subsequent amendments are incorporated by reference.
2. Employers must comply with all conditions for operation required by the Washington State Department of Labor & Industries, including interpretive [guidance](#), regulations and rules and Department of Labor & Industries-administered statutes.
3. Employers must notify their local health jurisdiction within 24 hours if they suspect COVID-19 is spreading in their workplace, or if they are aware of two or more employees who develop confirmed or suspected COVID-19 within a 14-day period.
4. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
5. All mandatory guidelines for specific businesses and activities, which remain in effect except as modified by this Proclamation, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#). Existing guidelines that require proof of vaccination for certain settings and activities remain in effect until such time as those guidelines are expressly modified.

ADDITIONALLY, in support and clarification of this proclamation:

1. **General rule:** General face covering requirements are found in the Secretary of Health's face covering [order](#), and any subsequent amendments, as incorporated herein by reference.
2. **Additional local restrictions may apply:** Nothing in this proclamation or in the Secretary of Health's face covering order prevents any other individual or entity from imposing more restrictive face covering or requirements in businesses or other locations within the scope of their legal authority. In addition, local government agencies, officials, and authorities and landlords are prohibited from preventing or prohibiting any person or business or other entity in their jurisdictions and tenants in their properties, respectively, from imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person **and are further prohibited from taking or threatening to take any adverse action of any kind against any person or business or other entity or tenant for imposing face covering requirements on or requiring proof of vaccination from any worker, customer, or other person.** Adverse actions prohibited

- by this section include, but are not limited to, denying, suspending, withholding, or terminating a contract, patronage, funding, or benefits, declining to rent or lease property, increasing rental rates, and eviction.
3. **Customers:** Governmental, commercial, and nonprofit entities and private parties are prohibited from allowing customers to enter or remain in any indoor space under their control unless the customer is wearing a face covering if required by the Secretary of Health's face covering order. Organizers of outdoor events or gatherings attended by 500 or more people are prohibited from allowing any individual to be in attendance unless the individual is wearing a face covering if required by the Secretary of Health's face covering order. The entity, private party, or organizer must post signage in a prominent location visible to customers at each entry informing customers of the face covering requirement.
 4. **Employees:** All employees are required to comply with the Secretary of Health's face covering order at the employee's worksite. Unless additional restrictions are imposed by the employer or a state or local authority, or face coverings are legally required at the specific worksite regardless of vaccination status, an employee may work outdoors without wearing a face covering unless they are working at an outdoor event or gathering attended by 500 or more people, and a fully vaccinated employee may work indoors without wearing a face covering at the employer's worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health's face covering order, but only after the employee has either provided (a) proof of vaccination to the employer; or (b) a signed document attesting to the employee's fully vaccinated status, *except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*. The option, if applicable, to provide a signed self-attestation may be done in hard copy or electronically.
 5. **Employers:** Employers are required to provide a safe and healthy workplace and must assess hazards in their workplace and take appropriate steps to protect workers. COVID-19 remains a recognized hazard that continues to pose a significant risk to the health and life of employees. Employers must require that employees wear a face covering in accordance with the Secretary of Health's face covering order, to that end, employers:
 - a. Must choose a method of proof of vaccination, documented proof of vaccination or self-attestation (*except as otherwise prohibited in Proclamation 21-14 et seq. (Vaccination Requirement)*), and require such proof from every employee before those employees are permitted to work without wearing a face covering at the employer's worksite in areas not generally accessible to the public and when no customers, volunteers, visitors, or non-employees are present as permitted by the Secretary of Health's face covering order referenced above;
 - b. Notwithstanding (a) above, may require that employees wear a face covering while at the worksite in all areas regardless of vaccination status; and
 - c. May require vaccination as a condition of employment, except as prohibited by state or federal law.

ADDITIONALLY, in addition to guidance issued by the Department of Health and the Department of Labor & Industries, additional guidance for businesses, employees, and customers may be found [here](#) and is incorporated by reference, and such guidance may be updated periodically and all such updates are also incorporated by reference.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply, I may be forced to reinstate additional prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, or upon termination of this amendatory proclamation, the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 13th day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 21-09**

21-09.01

Tenancy Preservation – A Bridge to E2SSB 5160

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist throughout Washington State; and

WHEREAS, the COVID-19 pandemic caused a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce were impacted by these layoffs and substantially reduced work hours, and economic hardship disproportionately affected low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, members of our workforce who are unable to pay rent due to the COVID-19 pandemic face an increased risk of being evicted from their homes, and the resulting increases in life, health and safety risks; and

WHEREAS, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act), tenants seeking to avoid default judgment in eviction hearings must appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, as Washington state recovers from the COVID-19 pandemic, the Legislature intends to provide housing stability through passage of Engrossed Second Substitute Senate Bill (E2SSB) 5160, Chapter 115, Laws of 2021, which bolsters tenant protections, and it further intends to preserve tenancies through passage of Engrossed Substitute House Bill (ESHB) 1236, Chapter 212, Laws of 2021, which enumerates allowable grounds for eviction under residential landlord-tenant law; and

WHEREAS, while almost 4.5 million Washingtonians have become fully vaccinated to limit the severity and spread of COVID-19, the state needs more of its residents to become vaccinated before this pandemic emergency will end; and

WHEREAS, currently, COVID-19 vaccines are authorized only for people 12 years of age and older, so children under 12 years of age cannot yet be vaccinated and must rely on low levels of community transmission and health measures including face coverings, physical distancing, and hand hygiene to reduce their risk for COVID-19; and

WHEREAS, genomic sequencing shows that variants of concern that are more transmissible and may cause more severe disease, including Alpha, Gamma, and Delta, now represent the majority of new COVID-19 cases in Washington state; and

WHEREAS, vaccination rates vary across the state, leaving communities with low vaccination rates at risk for ongoing transmission of COVID-19 and unvaccinated people in these communities at risk for illness, hospitalization, and death from COVID-19; and

WHEREAS, during the 2021 legislative session, the Legislature appropriated hundreds of millions of dollars from the federal American Rescue Plan Act (ARPA) in rental assistance, but the program to disperse those funds is still in its early stages of operation; and

WHEREAS, although tremendous progress has been made, at this time, neither the eviction resolution pilot program nor the right to counsel program as provided by E2SSB 5160 are operational statewide; and

WHEREAS, data from the Census Bureau Pulse Survey released on August 30, 2021, shows that 129,997 renters, or 8% of all Washington renters, are behind on rent. Over 55,000 of those households have children under the age of 18; and

WHEREAS, the state of Washington has implemented a Roadmap to Recovery to assist businesses restart and to increase hiring, yet unemployment remains roughly 5% with slow recovery in significant industry sectors; and

WHEREAS, the U.S. Department of Justice, Office of the Associate Attorney General, encourages courts to consider eviction diversion strategies that can help families avoid the disruption and damage caused by eviction, and directs courts to federal resources to help them navigate this crisis.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that as of the date of this proclamation the majority of available rental assistance funding has not yet been distributed, and that because full implementation of Senate Bill 5160 has not yet occurred, Proclamation 20-05 et seq. and 21-09, are hereby amended to temporarily impose certain prohibitions and shall continue to preserve residential tenancy until 11:59 p.m. on October 31, 2021, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, through 11:59 p.m. on October 31, 2021, I hereby prohibit the following activities related to residential dwellings in Washington State.

STATEMENT OF INTENT:

It is the intent of this order to bridge the operational gap between the eviction moratorium enacted by prior proclamations and the protections and programs subsequently enacted by the Legislature, and to reduce uncertainty as the state implements post-COVID-19 long-term housing recovery strategies contained in legislative enactments such as E2SSB 5160. To that end, any ambiguities contained in this proclamation shall be resolved by applying the processes, timelines, and definitions established in E2SSB 5160.

Furthermore, because the Legislature answered the call to help thousands of landlords and tenants who have endured great hardship during this pandemic by appropriating hundreds of millions of dollars (which are not yet fully disbursed to local communities) and establishing thorough and thoughtful programs to address the ongoing housing crisis (which programs are not yet operational statewide), I respectfully ask that local jurisdictions, rental assistance programs, eviction resolution pilot programs, housing advocacy organizations, courts, landlords, and tenants work collaboratively, patiently, and in good faith to enable the Legislature's remarkable efforts to be effectuated.

PAST RENT OWED (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears (rent owed) that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords, property owners, and property managers (collectively, landlords) are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate until both (1) a rental assistance program and an eviction resolution pilot program as contemplated by Section 7 of E2SSB 5160 have been implemented and are operational in the county in which the rental property is located; and (2) a tenant has been provided with, and has, since the effective date of this order, rejected or failed to respond within 14 days of receipt of such notice to an opportunity to participate in an operational rental assistance program and an operational eviction resolution pilot program provided by E2SSB 5160.
 - Attestation to program implementation shall be provided by each county rental assistance grant recipient to the Department of Commerce, and by each eviction resolution pilot program to the Administrative Office of the Courts, Office of Civil Legal Aid, and the Office of Financial Management, and such attestations shall be posted to the local county or court public-facing website.
 - Tenants must respond to landlords regarding establishing reasonable repayment plans and participate in eviction resolution programs per the timelines established in SB 5160.
 - Landlords and tenants are encouraged to address payment of rent through September 30, 2021, as part of the eviction

resolution pilot program process.

- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- Each rental assistance program is authorized to share the application status of a tenant with the tenant’s landlord.
- For purposes of this order, an operational rental assistance program means a program located in the county in which the rental property is located, is receiving or able to receive applications for rental assistance from eligible renters and landlords, is currently disbursing or is able to disburse funds, and remains open throughout the time period of this order.
- For purposes of this order, an operational eviction resolution pilot program means a program that complies with the provisions of Section 7 of E2SSB 5160, is located in the county in which the property is located, is serving or is able to serve pilot program clients, and is located in a jurisdiction in which a standing judicial order of the relevant superior court exists. If an out-of-county resolution program is accepting out-of-county applications, a tenant and landlord may agree, but are not required, to use an operational eviction resolution program located in a different county.
- In addition, both the in-county rental assistance programs and the eviction resolution pilot program must be accessible to persons with limited English proficiency (including access to appropriate professional interpreter services) and either accessible to persons with disabilities or able to serve persons with disabilities by providing a reasonable accommodation.

ENFORCEABLE DEBT (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords are prohibited from treating any unpaid rent or other charges related to a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was, in whole or in part, a result of the COVID-19 crisis, until such time as the landlord and tenant have been provided with an opportunity to resolve nonpayment of rent through a rental assistance program and an eviction resolution pilot program as provided by Section 7 of E2SSB 5160. This prohibition includes attempts to collect, or threats to collect, independently or through a collection agency, by filing an unlawful detainer or other judicial action, by withholding any portion of a security deposit, by reporting to credit bureaus, or by any other means.

FUTURE RENT OWED (August 1, 2021 through October 31, 2021)

- For rent accruing on August 1, 2021, or thereafter, it is the expectation that tenants will pay rent in full, negotiate a lesser amount or a payment plan with the tenant’s landlord, or actively seek rental assistance if assistance is needed. For rent accruing on August 1, 2021, or thereafter, and unless an exception or other state law allows for eviction, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate, if, unless otherwise permitted by this order or under state law, a tenant has (1) made full payment of rent; or (2) made a partial payment of rent based on their individual economic circumstances as negotiated with the landlord; or (3) has a pending application for rental assistance that has not been fully processed; or (4) resides in a jurisdiction in which the rental assistance program is anticipating receipt of additional rental assistance resources but has not yet started their program or the rental assistance program is not yet accepting new applications for assistance.
- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- A landlord is not required to accept partial payment of rent but is required to offer a tenant a reasonable repayment plan under this order and pursuant to Section 4 of E2SSB 5160.
- A rental assistance program is authorized to share the application status of a tenant with the tenant’s landlord.

LATE FEES (February 29, 2020 through October 31, 2021)

- Landlords are prohibited from assessing, or threatening to assess, late fees for the non- payment or late payment of rent or other charges related to a dwelling where such non- payment or late payment occurred due to COVID-19 on or after February 29, 2020, through October 31, 2021.

RENT INCREASES (February 29, 2020 through October 31, 2021)

- While this order does not prohibit rent increases, any rent notice increases that were prohibited pursuant to Proclamation 20-19 et seq., continue to be prohibited and may not be retroactively imposed. Any rent increases issued within the effective dates of this order must conform to RCW 59.18.140. Landlords accepting funds through state and/or federal rent assistance program may be prohibited from increasing rents as part of state or local program guidelines.

WRITTEN NOTICE OF RESOURCES AND PROGRAMS (February 29, 2020 through October 31, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate without first providing the tenant with written notice of the funding resources and programs established in E2SSB 5160. The written material may be provided in hard copy or electronically. Links to these materials

may also be found on the Washington state Attorney General Office's website.

REASONABLE REPAYMENT PLANS (February 29, 2020 through October 31, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate if the landlord has made no attempt to establish a reasonable repayment plan with the tenant per E2SSB 5160, or if they cannot agree on a plan and no local eviction resolution pilot program per E2SSB 5160 exists.
- “Reasonable repayment plan” has the same meaning as “reasonable schedule for repayment,” as defined in Section 4 of E2SSB 5160, and means a repayment plan or schedule for unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt.
- Tenants must respond to landlords within 14 days of the landlord's offer, per the timeline established in E2SSB 5160.
- If a tenant fails to accept the terms of a reasonable repayment plan or if the tenant defaults on any rent owed under a repayment plan, a landlord must first provide notice to the tenant informing the tenant of the eviction resolution pilot program, and then follow the procedures provided by E2SSB 5160, before filing an unlawful detainer action. The pilot program must be operational at the time the notice is sent and must be able to provide the tenant with an opportunity to participate in the program.

PERMISSIBLE UNLAWFUL DETAINER ACTIONS

- Excepting the prohibitions stated herein, all other allowable evictions under ESHB 1236 and the current Residential Landlord-Tenant Act (RCW 59.18) and Manufactured/Mobile Home Landlord-Tenant Act (RCW 59.20) may proceed as otherwise allowed by law.

LOCAL LAW ENFORCEMENT

- Local law enforcement entities are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling unless the eviction order, including a writ of restitution, contains a finding that the landlord has complied with this order and the unlawful detainer action is permitted under this order.

COMMUNICATIONS

- Nothing in this order precludes a landlord from engaging in customary and routine communications with tenants. “Customary and routine” means communication practices that were in place prior to the issuance of Emergency Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a tenant of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation; are related to negotiating a reasonable repayment plan or other program provided by E2SSB 5160; or are otherwise consistent with this order. Within these communications and parameters, landlords may provide information to tenants regarding financial resources, including coordinating with tenants in applying for rent assistance through the state's Emergency Rent Assistance Program (ERAP) or an alternative rent assistance program, and to provide tenants with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- Tenants must respond to landlords regarding establishing reasonable repayment plans and participation in eviction resolution programs per the timelines established in SB 5160.

RETALIATION

- Landlords are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 21-09 et seq., Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings.

RIGHT TO COUNSEL

- Nothing in this order modifies the requirement in Section 8 of E2SSB 5160 that a court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding while this order is in effect.

EXCLUSIONS

- This order and these prohibitions do not apply to emergency shelters where length of stay is conditioned upon a resident's participation in, and compliance with, a supportive services program. Emergency shelters should make every effort to work with shelter clients to find alternate housing solutions. In addition, this order and these prohibitions do not apply to long-term care facilities licensed or certified by Department of Social and Health Services; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; public lands; and camping areas.

FURTHERMORE, this order acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This proclamation is effective immediately. Signed and sealed with the official seal of the state of Washington on this 24th day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-14**

**21-14.2
COVID-19 VACCINATION REQUIREMENT**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20- 25, et seq., which limit Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, to protect some of our most vulnerable populations—persons in health care facilities, long-term care facilities (which includes nursing homes), and similar congregate care facilities—and to protect our health and congregate care systems themselves, I issued several proclamations imposing heightened protections on workers, residents, and visitors in those facilities; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life- saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "Delta" variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID- 19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of August 4, 2021, nearly 4.4 million Washingtonians, about 70% of those eligible and 58% of the total population, had initiated their vaccine series, leaving 2.1 million eligible Washingtonians who were unvaccinated; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), as of August 1, 2021, approximately 67% of staff in Washington state nursing homes were fully vaccinated; and

WHEREAS, healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's (FDA) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 346 million doses of COVID-19 vaccines have been given in the United States with 8.2 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under the FDA's Emergency Use Authorizations; and

WHEREAS, on July 26, 2021, approximately 60 medical groups, including the American Medical Association, the American College of Physicians, the American Academy of Pediatrics, the American Academy of Family Physicians, the American Nurses Association, the American Academy of Physician Assistants, the Association of Professionals in Infection Control and Epidemiology, the American Public Health Association, the Infectious Diseases Society of America, LeadingAge, the National Hispanic Medical Association, the National Medical Association, and the Society of Infectious Disease Pharmacists, issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the "fulfillment of the ethical commitment of all health care workers to put patients as well as residents of long-term care facilities first and take all steps necessary to ensure their health and well-being"; and on August 2, 2021, the Washington State Society of Post-Acute and Long-Term Care Medicine submitted a letter in support of the above noted July 26, 2021 memorandum; and

WHEREAS, on July 15, 2021, the American College of Obstetricians and Gynecologists, together with the Society for Maternal-Fetal Medicine, posted a formal opinion stating that medical professionals have an ethical obligation to be vaccinated against COVID-19 to prevent the spread of harmful infectious diseases, and that women who are or may become pregnant should be vaccinated against COVID-19; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees live in and provide services to the public in every county in our state, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after state work hours; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I issued Proclamation 21-14 requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, child-care settings, K-12 schools, colleges, universities, and community colleges, (collectively, "educational settings") are foundations of Washington's communities and its future, and provide a variety of vital services to students, families, and communities, thereby making providing childcare services and in-person instruction in the fall 2021 a priority; and

WHEREAS, increasing vaccination rates at educational settings is the strongest protective measure against COVID-19 available and, together with masking, vital to providing in-person instruction in as safe a manner as possible; and

WHEREAS, on July 12, 2021, I issued Proclamation 20-12.4 prohibiting institutions of higher education from providing in-person instruction unless the institutions comply with specific requirements related to vaccination, masking, and operations; and

WHEREAS, on July 30, 2021, I issued Proclamation 20-9.4, prohibiting K-12 schools from providing in-person learning unless the schools comply with masking instructions provided by the Department of Health and the Office of the Superintendent of Public Instruction; and

WHEREAS, the sharp increase in COVID-19 cases and hospitalizations, primarily among unvaccinated populations but also in breakthrough infections in some fully vaccinated individuals, makes it vital to expand the vaccination requirement to workers in educational settings; and

WHEREAS, to provide additional clarity and ease of administration I am extending the prohibition to additional groups relating to the vaccination requirement imposed in Proclamation 21.14 and 21-14.1; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby amend and supersede the prohibitions in 20-14 as set out below, subject to the conditions, exceptions, and circumstances also set forth below, for the following activities:

1. Prohibitions. This order prohibits the following:
 - a. Any Worker from engaging in work for a State Agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - b. Any State Agency from permitting any Worker to engage in work for the agency after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - c. Any Worker from engaging in work for the operator of an Educational Setting after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19;
 - d. Any operator of an Educational Setting from permitting a Worker to engage in work for the operator after October 18, 2021 if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below;
 - e. Any Health Care Provider from failing to be fully vaccinated against COVID-19 after October 18, 2021; and
 - f. Any operator of a Health Care Setting from permitting a Health Care Provider to engage in work for the operator as an employee, contractor, or volunteer in their capacity as a Health Care Provider after October 18, 2021 if the Health Care Provider has not been fully vaccinated against COVID-19 and provided proof thereof as required below. Providers who do not work in a Health Care Setting must provide proof of vaccination to the operator of the facility in which the Provider works, if any, or, if requested, to a lawful authority. A lawful authority includes, but is not limited to, law enforcement, local health jurisdictions, and the state Department of Health.
2. Exemptions and Exceptions.
 - a. Disability and Religious Accommodations
 - Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are not required to get vaccinated against COVID-19 under this Order if they are unable to do so because of a disability or if the requirement to do so conflicts with their sincerely held religious beliefs, practice, or observance. Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers are prohibited from claiming an exemption or accommodation on false, misleading, or dishonest grounds, including by providing false, misleading, or dishonest information to a State Agency, operator of an Educational Setting, or operator of a Health Care Setting when seeking an accommodation.
 - In implementing the requirements of this Order, State Agencies, operators of Educational Settings, and operators of Health Care Settings:
 - Must provide any disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of this Order that are required under the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973 (Rehabilitation Act), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), and any other applicable law. As provided in the above-noted laws, State Agencies, operators of Educational Settings, and operators of Health Care Settings are not required to provide accommodations if they would cause undue hardship.
 - Must comply with the procedures required under the above-noted laws and any other applicable law when considering and deciding whether to provide accommodations;
 - Must, to the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation;

- Must, to the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Order, document that the request for an accommodation has been made and include a statement in the document explaining the way in which the requirements of this order conflict with the sincerely held religious belief, practice, or observance of the individual;
 - Must, to the extent permitted by law, require an individual who receives an accommodation to take COVID-19 safety measures that are consistent with the recommendations of the state Department of Health and the Department of Labor & Industries for the setting in which the individual works; and
 - Are prohibited from providing accommodations:
 - That they know are based on false, misleading, or dishonest grounds or information;
 - That they know are based on the personal preference of the individual and not on an inability to get vaccinated because of a disability or a conflict with a sincerely held religious belief, practice, or observance; or
 - Without conducting an individualized assessment and determination of each individual’s need and justification for an accommodation; i.e., “rubberstamping” accommodation requests.
- b. Any individual who is unable to get fully vaccinated against COVID-19 by October 18, 2021 due to the requirements of their participation in a COVID-19 vaccine clinical trial is exempt from this Order. Any such individual who is a Worker for a State Agency or a Worker for an operator of an Educational Setting must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any State Agency or operator of an Educational Setting for which they engage in work. Any such individual who is a Health Care Provider must provide documentary proof of their participation in the COVID-19 vaccine clinical trial to any operator of a Health Care Setting for which they engage in work as an employee, contractor, or volunteer in their capacity as a Health Care Provider. A State Agency, operator of an Educational Setting, or operator of a Health Care Setting is prohibited from permitting any such individual to engage in work for them after October 18, 2021 if the individual fails to provide such proof.
- c. Individuals who are too young to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, are exempt from this Order. Any individual who becomes old enough to receive any COVID-19 vaccine, as authorized for emergency use, licensed, or otherwise approved by the FDA, while this Order is in effect must come into compliance with the requirements of this Order within 60 days of the day they became eligible. Any State Agency, operator of an Educational Setting, or operator of a Health Care Setting for which such an individual engages in work must also come into compliance with the requirements of this Order with respect to the individual by that deadline.
- d. Individuals who reside in countries other than the United States of America who are unable to get vaccinated against COVID-19 with reasonable effort and expense are exempt from this Order.
- e. Workers for the Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of Insurance Commissioner, the Office of the Lieutenant Governor, and the Office of Superintendent of Public Instruction, as defined below to be limited to on-site contractors for these Agencies, are prohibited from engaging in work for these State Agencies after the date specified by the respective State Agency, but in no case later than November 30, 2021, if the Worker has not been fully vaccinated against COVID-19. These State Agencies are prohibited from permitting any Worker to engage in work for the agency after such date if the Worker has not been fully vaccinated against COVID-19 and provided proof thereof as required below.
3. Proof of Full Vaccination Against COVID-19:
- a. Where required above, Workers for State Agencies, Workers for operators of Educational Settings, and Health Care Providers must provide proof of full vaccination against COVID-19 by providing one of the following:
 - CDC COVID-19 Vaccination Record Card or photo of the card;
 - Documentation of vaccination from a health care provider or electronic health record;
 - State immunization information system record; or
 - For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.
 - b. A State Agency, operator of an Educational Setting, or an operator of a Health Care Setting must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every individual who is engaged in work for them and required to provide such proof under this Order.
 - c. Personal attestation is not an acceptable form of verification of COVID-19 vaccination.
4. Election to Require Employers of Contractors to Assume Responsibility for Vaccination Verification and Accommodation Requirements
- a. Notwithstanding anything to the contrary in this Order, a State Agency, an operator of an Educational Setting, or an operator of Health Care Setting may elect to require the employer of a contractor who is subject to this Order to assume responsibility for the vaccination verification and accommodations requirements in this Order. This election may be made with respect to any or all of an employer’s contractor- employees who are subject to this Order.
 - b. If such an election is made, after October 18, 2021, the employer’s contractor- employees are prohibited from engaging in work for the State Agency, operator of the Educational Setting, or operator of the Health Care Setting, and the State Agency, operator of the Educational Setting, or operator of the Health Care Setting is prohibited from permitting such employee to engage in work for them, unless the following requirements are met:
 - By October 18, 2021, the employer must obtain a copy of or visually observe proof of full vaccination against COVID-

- 19 for every current employee who is subject to the vaccination requirement in this Order;
- The employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every employee hired after October 18, 2021 who is subject to the vaccination requirement in this Order;
 - The employer must follow the requirements for granting disability and religious accommodations to its current and future employees that apply to State Agencies, operators of Educational Settings, and operators of Health Care Settings under this Order;
 - By October 18, 2021, the employer must submit to the State Agency, operator of the Educational Setting, or operator of the Health Care Setting a signed declaration in substantially the form prescribed in RCW 5.50.050 declaring that the employer has met the above requirements;
 - The employer must submit additional signed declarations upon the request of and by the date designated by the State Agency, operator of the Educational Setting, or operator of the Health Care Setting;
 - If an employer is also a contractor subject to this Order, the employer must include in their declaration that the employer is fully vaccinated against COVID- 19 or is unable to get vaccinated because of a disability or a conflict between the vaccination requirement and their sincerely held religious beliefs, practice, or observance, as applicable; and
 - The employer must cooperate with any investigation or inquiry the State Agency, operator of the Educational Setting, or operator of the Health Care Setting makes into the employer’s compliance with these requirements, including by providing information and records upon request, except any information or records that the employer is prohibited by law from disclosing.
- c. Any State Agency, operator of an Educational Setting, or operator of Health Care Setting who makes the election above retains the right to investigate or inquire into the employer’s compliance with the above requirements, to obtain proof of vaccination directly from any contractor-employee, and to withdraw the election in whole or in part at any time.
- 5. Public and Private Entities and Employers May Exceed These Requirements: Nothing in this order prohibits State Agencies, operators of Educational Settings, and operators of Health Care Settings from implementing requirements that exceed the requirements of this Order.
- 6. Definitions.
 - a. “Worker”:
 - “Worker” includes:
 - A person engaged to work as an employee, on-site volunteer, or on-site contractor for a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting, as applicable;
 - The director, secretary, or other executive officer of a State Agency; and
 - A person appointed to serve on a board, commission, or similar body that is an executive cabinet agency listed at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency listed at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>, the State Board for Community and Technical Colleges, a board of trustees for a community or technical college, or a governing board of a four-year institution of higher education.
 - The following exceptions apply to the definition of “Worker”:
 - Visitors and patrons are not Workers.
 - In Educational Settings:
 - Students of, persons attending, and persons receiving services at or from an Educational Setting are not Workers.
 - On-site contractors are not Workers if they do not work in places where students or persons receiving services are present.
 - Family, friend, and neighbor (FFN) child care providers are not Workers.
 - For any State Agency that is listed as an agency under the authority of a board, council, or commission at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf and that is not also listed as an executive cabinet agency at <https://www.governor.wa.gov/office-governor/office/executive-cabinet> or a small cabinet agency at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>, other than the State Board for Community and Technical Colleges, the boards of trustees for community and technical colleges, and the governing boards of four-year institutions of higher education, only the State Agency’s compensated employees are Workers subject to the requirements of this proclamation.
 - For the Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of Insurance Commissioner, the Office of the Lieutenant Governor, and the Office of Superintendent of Public Instruction, only on-site contractors are Workers subject to the requirements of this proclamation.
 - b. “Contractor” includes any person who provides goods, services, or public works services pursuant to a contract with another person or entity, including, for purposes of this Order, a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting. The term includes subcontractors. The term does not include parties to a lease or rental agreement, unless the agreement requires a party to provide services, in which case only the persons who provide those services are

“contractors.”

- c. “Contract” is defined as provided under Washington law. Generally, a contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty, regardless of the particular form, title, or description is not relevant.
- d. “Health Care Provider” includes:
 - Individuals with credentials listed in the [Healthcare Professional Credentialing Requirements](#) list;
 - Individuals who are permitted by law to provide health care services in a professional capacity without holding a credential;
 - Long-term care workers unless specifically excluded in this order; and
 - Workers in any Health Care Setting, as defined herein.

“Health Care Provider” does not include, for purposes of this order:

- Individual providers, as defined in RCW 74.39A.240;
 - Individuals who provide only personal care services, as defined in RCW 74.39A.009(24), in people’s homes;
 - Providers who are not actively practicing or providing services; and
 - Providers who provide services only at one or more of the settings that are expressly excluded from the list of Health Care Settings under this order.
- e. “Health Care Setting” is any public or private setting that is primarily used for the delivery of in-person health care services to people, except as specifically exempted below. If located at a facility that is primarily used for the delivery of health-care services, such as a hospital, then the entire facility is a Health Care Setting. If located at a facility that is primarily used for another purpose, such as a pharmacy within a grocery store, school nurse’s office, or vaccination clinic within a business establishment, the Health Care Setting includes only the areas that are primarily used for the delivery of health care, but not the other areas of the facility.

“Health Care Setting” includes, but is not limited to:

- Acute care facilities, including, but not limited to, hospitals;
- Long-term acute care facilities;
- Inpatient rehabilitation facilities;
- Inpatient behavioral health facilities, including, but not limited to, evaluation and treatment facilities, residential treatment facilities, secure detox facilities;
- Residential long-term care facilities, including, but not limited to, nursing homes, assisted living facilities, adult family homes, settings where certified community residential services and supports are provided, and enhanced services facilities;
- Mobile clinics or other vehicles where health care is delivered;
- Outpatient facilities, including, but not limited to, dialysis centers, physician offices, and behavioral health facilities (including offices of psychiatrists, mental health counselors, and substance use disorder professionals);
- Dental and dental specialty facilities;
- Pharmacies (not including the retail areas);
- Massage therapy offices (this includes designated areas where massage is administered within non-health care settings like spas and wellness/fitness centers);
- Chiropractic offices;
- Midwifery practices and stand-alone birth centers;
- Isolation and/or quarantine facilities;
- Ambulatory surgical facilities;
- Urgent care centers; and
- Hospice care centers.

“Health Care Setting” does not include:

- Settings where sports and spectator events or other gatherings are held (including when credentialed athletic trainers are providing care to players), other than areas primarily used for the delivery of health care services, such as designated first aid areas (which are Health Care Settings);
- Department of Children, Youth & Families (DCYF)-licensed foster homes that do not primarily provide health care services;
- Research facilities where no health care is delivered to people;
- Veterinary health care settings;
- Animal control agencies; and
- Non-profit humane societies.

- d. “State Agency” includes:

- Every agency listed at <https://www.governor.wa.gov/officegovernor/office/executive-cabinet>;
 - Every agency listed at <https://www.governor.wa.gov/officegovernor/office/small-cabinet>;
 - Every agency under the authority of a board, council, or commission listed at https://ofm.wa.gov/sites/default/files/public/publications/2021_State_Org_Chart.pdf; and
 - The Office of the Attorney General, the Office of the Commissioner of Public Lands and the Department of Natural Resources, the Office of the Insurance Commissioner, the Office of the Lieutenant Governor, the Office of Superintendent of Public Instruction.
- e. “Educational Setting” includes:
- All public and private universities, colleges, community colleges, and technical colleges and private career/vocational schools subject to licensure by the Workforce Training & Education Coordinating Board;
 - All public schools, public school districts, charter schools, private schools, educational service districts, the Washington School for the Deaf, the Washington State School for the Blind, and the Washington Youth Academy; and
 - All early learning and child care programs serving groups of children from multiple households, including, but not limited to, Early Childhood Education and Assistance Programs, Family Home Child Care, Child Care Centers, Outdoor, Nature-based Child Care, School-aged Child Care, license-exempt preschools, and license-exempt youth development programs (e.g., municipal parks & recreation programs, YMCA, Boys & Girls Clubs).
- f. “Fully Vaccinated against COVID-19”: A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine (e.g., Pfizer-BioNTech or Moderna) or a single-dose COVID-19 vaccine (e.g., Johnson & Johnson (J&J)/Janssen) authorized for emergency use, licensed, or otherwise approved by the FDA or listed for emergency use or otherwise approved by the World Health Organization.
- g. “On-site volunteer” and “on-site contractor” includes:
- A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work while physically present at a building, facility, jobsite, project site, unit, or other defined area owned, leased, occupied by, or controlled by a State Agency, an operator of an Educational Setting, or an operator of a Health Care Setting.
- “On-site volunteer” and “on-site contractor” does not include:
- A volunteer or contractor who is reasonably likely or contractually obligated to engage in or in fact engages in work during which they are physically present at a site for only a short period of time and any moments of close physical proximity to others on site are fleeting. Examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
- h. “Operator of an Educational Setting” and “operator of a Health Care Setting” do not include clients, patients, patrons, customers, or similar individuals served by a Worker for a State Agency, Worker for an Educational Setting operator, or Health Care Provider.

ADDITIONALLY, the specific prohibitions in this Proclamation are severable and do not apply to the extent that compliance with a prohibition would violate (1) any U.S. or Washington constitutional provision; (2) federal statutes or regulations; (3) any conditions that apply to the state’s receipt of federal funding; (4) state statutes; or (5) applicable orders from any court of competent jurisdiction.

ADDITIONALLY, nothing in this Proclamation limits otherwise applicable requirements related to personal protective equipment, personnel training, and infection control policies and procedures.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required facial coverings, social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order is effective immediately. Unless extended or amended, upon expiration or termination of this amendatory proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29,

2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 27th day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**EMERGENCY PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 21-09, et seq.**

21-09.2

Tenancy Preservation – A Bridge to E2SSB 5160

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist throughout Washington State; and

WHEREAS, the COVID-19 pandemic caused a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce were impacted by these layoffs and substantially reduced work hours, and economic hardship disproportionately affected low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, members of our workforce who are unable to pay rent due to the COVID-19 pandemic face an increased risk of being evicted from their homes, and the resulting increases in life, health and safety risks; and

WHEREAS, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act), tenants seeking to avoid default judgment in eviction hearings must appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, as Washington state recovers from the COVID-19 pandemic, the Legislature intends to provide housing stability through passage of Engrossed Second Substitute Senate Bill (E2SSB) 5160, Chapter 115, Laws of 2021, which bolsters tenant protections, and it further intends to preserve tenancies through passage of Engrossed Substitute House Bill (ESHB) 1236, Chapter 212, Laws of 2021, which enumerates allowable grounds for eviction under residential landlord-tenant law; and

WHEREAS, while over 4.5 million Washingtonians have become fully vaccinated to limit the severity and spread of COVID-19, the state needs more of its residents to become vaccinated before this pandemic emergency will end; and

WHEREAS, currently, COVID-19 vaccines are authorized only for people 12 years of age and older, so children under 12 years of age cannot yet be vaccinated and must rely on low levels of community transmission and health measures including face coverings, physical distancing, and hand hygiene to reduce their risk for COVID-19; and

WHEREAS, genomic sequencing shows that variants of concern that are more transmissible and may cause more severe disease, including Alpha, Gamma, and Delta, now represent the majority of new COVID-19 cases in Washington state; and

WHEREAS, vaccination rates vary across the state, leaving communities with low vaccination rates at risk for ongoing

transmission of COVID-19 and unvaccinated people in these communities at risk for illness, hospitalization, and death from COVID-19; and

WHEREAS, during the 2021 legislative session, the Legislature appropriated hundreds of millions of dollars from the federal American Rescue Plan Act (ARPA) in rental assistance, but the program to disperse those funds is still in its early stages of operation; and

WHEREAS, although tremendous progress has been made, at this time, neither the eviction resolution pilot program nor the right to counsel program as provided by E2SSB 5160 are operational statewide; and

WHEREAS, data from the Census Bureau Pulse Survey released on August 30, 2021, shows that 129,997 renters, or 8% of all Washington renters, are behind on rent. Over 55,000 of those households have children under the age of 18; and

WHEREAS, the state of Washington has implemented a Roadmap to Recovery to assist businesses restart and to increase hiring, yet unemployment remains roughly 5% with slow recovery in significant industry sectors; and

WHEREAS, the U.S. Department of Justice, Office of the Associate Attorney General, encourages courts to consider eviction diversion strategies that can help families avoid the disruption and damage caused by eviction, and directs courts to federal resources to help them navigate this crisis.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that as of the date of this proclamation the majority of available rental assistance funding has not yet been distributed, and that because full implementation of Senate Bill 5160 has not yet occurred, Proclamation 20-05 et seq. and 21-09, et seq., are hereby amended to temporarily impose certain prohibitions and shall continue to preserve residential tenancy until 11:59 p.m. on October 31, 2021, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, through 11:59 p.m. on October 31, 2021, I hereby prohibit the following activities related to residential dwellings in Washington State.

STATEMENT OF INTENT:

It is the intent of this order to bridge the operational gap between the eviction moratorium enacted by prior proclamations and the protections and programs subsequently enacted by the Legislature, and to reduce uncertainty as the state implements post-COVID-19 long-term housing recovery strategies contained in legislative enactments such as E2SSB 5160. To that end, any ambiguities contained in this proclamation shall be resolved by applying the processes, timelines, and definitions established in E2SSB 5160.

Furthermore, because the Legislature answered the call to help thousands of landlords and tenants who have endured great hardship during this pandemic by appropriating hundreds of millions of dollars (which are not yet fully disbursed to local communities) and establishing thorough and thoughtful programs to address the ongoing housing crisis (which programs are not yet operational statewide), I respectfully ask that local jurisdictions, rental assistance programs, eviction resolution pilot programs, housing advocacy organizations, courts, landlords, and tenants work collaboratively, patiently, and in good faith to enable the Legislature's remarkable efforts to be effectuated.

PAST RENT OWED (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears (rent owed) that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords, property owners, and property managers (collectively, landlords) are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate until both (1) a rental assistance program and an eviction resolution pilot program as

contemplated by Section 7 of E2SSB 5160 have been implemented and are operational in the county in which the rental property is located; and (2) a tenant has been provided with, and has, since July 1, 2021, rejected or failed to respond within 14 days of receipt of such notice to an opportunity to participate in an operational rental assistance program and an operational eviction resolution pilot program provided by E2SSB 5160.

- Attestation to program implementation shall be provided by each county rental assistance grant recipient to the Department of Commerce, and by each eviction resolution pilot program to the Administrative Office of the Courts, Office of Civil Legal Aid, and the Office of Financial Management, and such attestations shall be posted to the local county or court public-facing website.
- Tenants must respond to landlords regarding establishing reasonable repayment plans and participate in eviction resolution programs per the timelines established in SB 5160.
- Landlords and tenants are encouraged to address payment of rent through September 30, 2021, as part of the eviction resolution pilot program process.
- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- Each rental assistance program is authorized to share the application status of a tenant with the tenant's landlord.
- For purposes of this order, an operational rental assistance program means a program located in the county in which the rental property is located, is receiving or able to receive applications for rental assistance from eligible renters and landlords, is currently disbursing or is able to disburse funds, and remains open throughout the time period of this order.
- For purposes of this order, an operational eviction resolution pilot program means a program that complies with the provisions of Section 7 of E2SSB 5160, is located in the county in which the property is located, is serving or is able to serve pilot program clients, and is located in a jurisdiction in which a standing judicial order of the relevant superior court exists. If an out-of-county resolution program is accepting out-of-county applications, a tenant and landlord may agree, but are not required, to use an operational eviction resolution program located in a different county.
- In addition, both the in-county rental assistance programs and the eviction resolution pilot program must be accessible to persons with limited English proficiency (including access to appropriate professional interpreter services) and either accessible to persons with disabilities or able to serve persons with disabilities by providing a reasonable accommodation.

ENFORCEABLE DEBT (February 29, 2020 through July 31, 2021)

- If based in whole or in part on any arrears that accrued due to COVID-19 from February 29, 2020 through July 31, 2021, landlords are prohibited from treating any unpaid rent or other charges related to a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was, in whole or in part, a result of the COVID-19 crisis, until such time as the landlord and tenant have been provided with an opportunity to resolve nonpayment of rent through a rental assistance program and an eviction resolution pilot program as provided by Section 7 of E2SSB 5160. This prohibition includes attempts to collect, or threats to collect, independently or through a collection agency, by filing an unlawful detainer or other judicial action, by withholding any portion of a security deposit, by reporting to credit bureaus, or by any other means.

FUTURE RENT OWED (August 1, 2021 through October 31, 2021)

- For rent accruing on August 1, 2021, or thereafter, it is the expectation that tenants will pay rent in full, negotiate a lesser amount or a payment plan with the tenant's landlord, or actively seek rental assistance if assistance is needed. For rent accruing on August 1, 2021, or thereafter, and unless an exception or other state law allows for eviction, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a tenant to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate, if, unless otherwise permitted by this order or under state law, a tenant has (1) made full payment of rent; or (2) made a partial payment of rent based on their individual economic circumstances as negotiated with the landlord; or (3) has a pending application for rental assistance that has not been fully processed; or (4) resides in a jurisdiction in which the rental assistance program is anticipating receipt of additional rental assistance resources but has not yet started their program or the rental assistance program is not yet accepting new applications for assistance.
- There is a presumption that any rent payment made on or after August 1, 2021, is applied to current rent before applying toward arrears.
- A landlord is not required to accept partial payment of rent but is required to offer a tenant a reasonable repayment plan under this order and pursuant to Section 4 of E2SSB 5160.
- A rental assistance program is authorized to share the application status of a tenant with the tenant's landlord.

LATE FEES (February 29, 2020 through October 31, 2021)

- Landlords are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling where such non-payment or late payment occurred due to COVID-19 on or after February 29, 2020, through October 31, 2021.

RENT INCREASES (February 29, 2020 through October 31, 2021)

- While this order does not prohibit rent increases, any rent notice increases that were prohibited pursuant to Proclamation 20-19 et seq., continue to be prohibited and may not be retroactively imposed. Any rent increases issued within the effective dates of this order must conform to RCW 59.18.140. Landlords accepting funds through state and/or federal rent assistance program may be prohibited from increasing rents as part of state or local program guidelines.

WRITTEN NOTICE OF RESOURCES AND PROGRAMS (February 29, 2020 through October 31, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate without first providing the tenant with written notice of the funding resources and programs established in E2SSB 5160. The written material may be provided in hard copy or electronically. Links to these materials may also be found on the Washington state Attorney General Office's website.

REASONABLE REPAYMENT PLANS (February 29, 2020 through October 31, 2021)

- For rent owed that accrued due to COVID-19 on or after February 29, 2020, landlords are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling, including but not limited to an eviction notice, notice to pay or vacate, unlawful detainer summons or complaint, notice of termination of rental, or notice to comply or vacate if the landlord has made no attempt to establish a reasonable repayment plan with the tenant per E2SSB 5160, or if they cannot agree on a plan and no local eviction resolution pilot program per E2SSB 5160 exists.
 - “Reasonable repayment plan” has the same meaning as “reasonable schedule for repayment,” as defined in Section 4 of E2SSB 5160, and means a repayment plan or schedule for unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt.
 - Tenants must respond to landlords within 14 days of the landlord's offer, per the timeline established in E2SSB 5160.
 - If a tenant fails to accept the terms of a reasonable repayment plan or if the tenant defaults on any rent owed under a repayment plan, a landlord must first provide notice to the tenant informing the tenant of the eviction resolution pilot program, and then follow the procedures provided by E2SSB 5160, before filing an unlawful detainer action. The pilot program must be operational at the time the notice is sent and must be able to provide the tenant with an opportunity to participate in the program.

PERMISSIBLE UNLAWFUL DETAINER ACTIONS

- Excepting the prohibitions stated herein, all other allowable evictions under ESHB 1236 and the current Residential Landlord-Tenant Act (RCW 59.18) and Manufactured/Mobile Home Landlord-Tenant Act (RCW 59.20) may proceed as otherwise allowed by law.

LOCAL LAW ENFORCEMENT

- Local law enforcement entities are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling unless the eviction order, including a writ of restitution, contains a finding that the landlord has complied with this order and the unlawful detainer action is permitted under this order.

COMMUNICATIONS

- Nothing in this order precludes a landlord from engaging in customary and routine communications with tenants. “Customary and routine” means communication practices that were in place prior to the issuance of Emergency Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a tenant of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation; are related to negotiating a reasonable repayment plan or other program provided by E2SSB 5160; or are otherwise consistent with this order. Within these communications and parameters, landlords may provide information to tenants regarding financial resources, including coordinating with tenants in applying for rent assistance through the state's Emergency Rent Assistance Program (ERAP) or an alternative rent assistance program, and to provide tenants with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- Tenants must respond to landlords regarding establishing reasonable repayment plans and participation in eviction resolution programs per the timelines established in SB 5160.

RETALIATION

- Landlords are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 21-09 et seq., Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings.

RIGHT TO COUNSEL

- Nothing in this order modifies the requirement in Section 8 of E2SSB 5160 that a court must appoint an attorney for an indigent tenant in an unlawful detainer proceeding while this order is in effect.

EXCLUSIONS

- This order and these prohibitions do not apply to emergency shelters where length of stay is conditioned upon a resident’s participation in, and compliance with, a supportive services program. Emergency shelters should make every effort to work with shelter clients to find alternate housing solutions. In addition, this order and these prohibitions do not apply to long-term care facilities licensed or certified by Department of Social and Health Services; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; public lands; and camping areas.

FURTHERMORE, this order acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This proclamation is effective immediately. Signed and sealed with the official seal of the state of Washington on this 30th day of September, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 21-15**

21-15.1

Transfer or Discharge of Nursing Home Residents - COVID-19 Delta Variant

WHEREAS, on September 3, 2021, due to the continued persistence of the COVID-19 pandemic throughout Washington State, I issued Proclamation 21-15, waiving and suspending certain statutory and regulatory provisions that prevent, hinder, or delay action that is necessary to cope with the COVID-19 pandemic by temporarily expediting the ability to transfer or discharge nursing home residents to other long-term care facilities for specific COVID-19 related cohorting purposes; and

WHEREAS, on October 1, 2021, under the provisions of RCW 43.06.220(4), the above-referenced waivers and suspensions of Proclamation 21-15, were extended by the leadership of the Washington State Senate and House of Representatives, until the termination of the COVID-19 state of emergency or November 1, 2021, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the waivers and suspensions in Proclamation 21-15, have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 1, 2021, whichever occurs first, and that Proclamation 21-15, is hereby extended until the termination of the COVID-19 state of emergency or 11:59 p.m. on November 1, 2021, whichever occurs first.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of October, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

21-16

Large Event COVID-19 Vaccine Verification

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations and our health care system, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, et seq., which limit Washingtonians' ability to participate in certain activities unless certain conditions are met; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, although COVID-19 continues as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 18 months, including the willingness of most Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "Delta" variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and resulted in breakthrough infections in some fully vaccinated individuals; and, while cases and hospitalizations are currently decreasing, both exceeded the prior peak levels experienced in December 2020 and remain high; and

WHEREAS, over the past 20 months, health experts and epidemiological modeling experts, including those at the Department of Health, the United States Centers for Disease Control and Prevention (CDC), and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, we now know that several factors increase the risk for person-to-person COVID-19 transmission; such factors include (1) the more that people and groups interact, (2) the longer those interactions last, (3) the closer the contact between individuals, (4) the denser the occupancy for indoor facilities, (5) the lack of use of face coverings, and (6) the increased risk of transmission from unvaccinated individuals; and

WHEREAS, Large Events, as defined herein, present a heightened risk of COVID-19 transmission because (1) Large Event participants and attendees spend extensive periods of time physically close to large numbers of people, (2) the frequency and total duration of close contact among participants and attendees is increased, thereby increasing the risk that respiratory particles will be transmitted between participants and attendees, (3) Large Events draw participants and attendees from wide geographical areas, often including participants and attendees from other states and countries who may be infected with more infectious COVID-19 variants, and (4) effective contact tracing may be difficult due to the potential for uncontrolled mixing among large groups of attendees who are unlikely to be together again; and

WHEREAS, on August 20, 2021, I issued Proclamation 20-25.15 amending Proclamation 20-25, et seq., by reinstating prohibitions against use of indoor spaces without the use of a face covering; and

WHEREAS, on September 13, 2021, I issued Proclamation 20-25.17 amending Proclamation 20-25, et seq., to prohibit (1) any individual from failing to wear a face covering as required by the Secretary of Health's face covering order and any subsequent amendments, (2) any governmental, commercial, or nonprofit entity or private party from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health's face covering order and any subsequent amendments, and (3) any organizer of an outdoor event or gathering attended by 500 or more people from allowing any individual to be in attendance unless the individual is in compliance with the Secretary of Health's face covering order and any subsequent amendments; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and severe disease, and widespread vaccination is the primary

means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in healthcare facilities, long-term care facilities and other congregate care facilities from COVID-19 infections; and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and

WHEREAS, as of October 11, 2021, according to the Washington State Immunization Information System, more than 4.9 million Washingtonians, at least 75 percent of those eligible and 64 percent of the total population, had initiated their vaccine series, leaving about 1.6 million eligible Washingtonians unvaccinated; and

WHEREAS, COVID-19 vaccines are safe and effective. COVID-19 vaccines were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's (FDA) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and, to date, more than 406 million doses of COVID-19 vaccines have been given in the United States with 9.3 million of those doses administered in Washington, and serious safety problems and long-term side effects are rare; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under the FDA's Emergency Use Authorizations; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the state Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), and (3), I hereby prohibit, subject to the conditions, exceptions, and circumstances set forth below, the following activities:

1. Prohibitions. This order prohibits the following:
 - a. Any individual 12 years of age or older from attending a Large Event in person unless the individual has (1) been fully vaccinated against COVID-19 and provided proof thereof to the Large Event Organizer, or (2) received a negative result from an FDA-approved molecular (e.g., PCR) or antigen COVID-19 test performed on a specimen collected from the individual within the 72 hours preceding the individual's attendance at the Large Event and provided proof thereof to the Large Event Organizer;
 - b. Any Large Event Organizer from allowing any individual 12 years of age or older to attend a Large Event in person, unless the individual has (1) been fully vaccinated against COVID-19 and provided proof thereof to the Large Event Organizer, or (2) received a negative result from an FDA-approved molecular (e.g., PCR) or antigen COVID-19 test performed on a specimen collected from the individual within the 72 hours preceding the individual's attendance at the Large Event and provided proof thereof to the Large Event Organizer; and,
 - c. Any Large Event Organizer from conducting a Large Event without first notifying the Large Event attendees of the vaccination and testing requirements of this Order, including notifying individuals of the acceptable forms of proof of full vaccination and a negative test result. Every public communication regarding the Large Event, including any reservation and ticketing system, must include notice that proof of COVID-19 vaccination or a negative COVID-19 test will be required to attend the event.
2. Acceptable Proof of Full Vaccination Against COVID-19. Where required above, individuals attending a Large Event must provide proof of full vaccination against COVID-19 by presenting the original, a copy, or a photo

of one of the following:

- a. A CDC COVID-19 Vaccine Record Card;
- b. Documentation of vaccination from a health care provider or electronic health record;
- c. A state immunization information system record. For individuals vaccinated in Washington, this may include a Certificate of COVID-19 Vaccination or QR code from MyIRMobile (<https://myirmobile.com>), a Washington Department of Health partner website for immunization records; or
- d. For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.

Personal attestation is not an acceptable form of proof of COVID-19 vaccination. Additional proof of an individual's identity, such as a driver's license, is not required under this Order.

- 3. Acceptable Proof of a Negative COVID-19 Test Result. Where required above, individuals attending a Large Event must provide proof of a negative COVID-19 test result by presenting the original, a copy, or a photo of a document or other communication from the test provider or laboratory that shows:
 - a. The first and last names of the individual tested;
 - b. The type of test performed (must be molecular or antigen);
 - c. The date the specimen was collected (must be within the 72 hours preceding the individual's participation in or attendance at the Large Event); and
 - d. A negative result.

Personal attestation is not an acceptable form of proof of a negative COVID-19 test result. Additional proof of an individual's identity, such as a driver's license, is not required under this Order.

- 4. Large Event Organizers May Exceed These Requirements. Nothing in this order prohibits Large Event Organizers from implementing requirements that exceed the requirements of this Order.
- 5. Definitions.
 - a. "Fully Vaccinated against COVID-19": A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series of a COVID-19 vaccine (e.g., Pfizer-BioNTech or Moderna) or a single-dose COVID-19 vaccine (e.g., Johnson & Johnson (J&J)/Janssen) authorized for emergency use, licensed, or otherwise approved by the FDA or listed for emergency use or otherwise approved by the World Health Organization.
 - b. "Large Event" means (1) any ticketed or preregistered assembly of 10,000 or more individuals at an outdoor venue that has defined entrances and exits, or (2) any ticketed or preregistered assembly of 1,000 or more individuals at an indoor venue that has defined entrances and exits. Event staff and volunteers are not included in the attendee count.
 - c. "Large Event" does not include any assembly operated, managed, conducted, controlled, or supervised by a public, private, or charter K-12 educational organization or a religious or faith-based organization.
 - d. "Large Event Organizer" means any governmental, commercial, or nonprofit entity or private party that operates, organizes, manages, conducts, controls, or supervises, in whole or in part, any Large Event.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order is effective at 12:01 am on November 15, 2021. Unless extended or amended, upon expiration or termination of this proclamation the provisions of Proclamation 20-25, et seq., will continue to be in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded.

Signed and sealed with the official seal of the state of Washington on this 18th day of October, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-80**

20-80.1

DOC – Prison Commitments

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “Delta” variant that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and, while cases and hospitalizations are currently decreasing, both remain high and exceed the prior peak levels experienced in December 2020; and

WHEREAS, language in RCW 72.02, RCW 70.48, and RCW 36.63 require counties to transfer, and the Department of Corrections (DOC) to receive, newly committed individuals from the county jails in which they reside prior to commitment to a state correctional facility; and

WHEREAS, on December 17, 2020, I issued Proclamation 20-80, which waived and suspended portions of the transfer statutes referenced above, to allow for a brief pause on the intake of new incarcerations for 18 days to assist with controlling the spread of COVID-19 in DOC facilities; and

WHEREAS, in light of the highly transmissible Delta variant and impacts of COVID-related strain on those who reside in close quarters, uninterrupted intake of new incarcerations may reduce DOC’s ability to curb the spread of COVID-19 in its facilities, making it necessary to again waive and suspend portions of the same transfer statutes; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-80 are amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to help preserve and maintain life, health, property or the public peace by retaining individuals recently committed to a state correctional facility in a county jail to allow for a temporary suspension of new intakes at the two state prison reception centers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended, from 12:01 a.m. on October 25, 2021, through 11:59 p.m. on November 5, 2021:

1. RCW 72.02.230 – in its entirety;
2. RCW 70.48.240 – in its entirety;
3. RCW 36.63.255 – in its entirety;
4. RCW 72.02.200 - only the words: “receiving and”; and

FURTHERMORE, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit, beginning 12:01 a.m. on October 25, 2021, through 11:59 p.m. on November 5, 2021:

- 1) All public agencies from transporting any individual to a state correctional facility without the advance permission of the Department of Corrections, and
- 2) The Department of Corrections from receiving any individual from any public agency without receiving advance notice and providing advance permission for the transport of that individual to a state correctional facility.

Nothing in this proclamation is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of October, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE
2SSB 5000	Hydrogen/electric vehicles	C 171 L 21		5/3/2021	7/25/2021*
SSB 5003	Living organ donors	C 172 L 21		5/3/2021	7/25/2021
SB 5005	Business corporations	C 84 L 21		4/16/2021	7/25/2021
SB 5008	BPA ratepayer assist/B&O tax	C 226 L 21		5/10/2021	7/1/2021
SSB 5009	Public expression protection	C 259 L 21		5/12/2021	7/25/2021
SSB 5011	Electronic meetings/HOA, etc	C 227 L 21		5/10/2021	7/25/2021
SSB 5013	Local redistricting deadline	C 173 L 21		5/3/2021	5/3/2021*
SB 5015	Fraudulent ballot drop boxes	C 85 L 21		4/16/2021	7/25/2021
SB 5016	All-terrain vehicles	C 86 L 21		4/16/2021	7/25/2021
SB 5018	Acupuncture and Eastern med.	C 87 L 21		4/16/2021	7/25/2021
SB 5019	Recording standards comm'n	C 137 L 21		4/26/2021	7/25/2021
SB 5021	Retirement benefits/furlough	C 12 L 21		4/7/2021	7/25/2021
E2SSB 5022	Recycling, waste, & litter	C 313 L 21		5/17/2021	7/25/2021
ESSB 5024	Condominium construction	C 260 L 21		5/12/2021	7/25/2021
SSB 5025	Consumer protection act	C 228 L 21		5/10/2021	7/25/2021
ESB 5026	Cargo handling equipment	C 88 L 21		4/16/2021	7/25/2021
SB 5027	Television closed captions	C 229 L 21		5/10/2021	7/25/2021
SSB 5030	School counseling programs	C 174 L 21		5/3/2021	7/25/2021
SB 5031	Aviation revival. loan prg	C 175 L 21		5/3/2021	6/30/2021
SB 5032	Alt public works contracting	C 230 L 21		5/10/2021	5/10/2021
SSB 5034	Nonprofit corporations	C 176 L 21		5/3/2021	1/1/2022*
ESSB 5038	Open carry of weapons	C 261 L 21		5/12/2021	5/12/2021
SB 5040	State highway litter control	C 231 L 21		5/10/2021	7/25/2021
ESSB 5044	Schools/equity training	C 197 L 21		5/5/2021	7/25/2021
SB 5046	Worker comp claim agreements	C 89 L 21		4/16/2021	4/16/2021
SB 5048	Reinsurance agreements	C 138 L 21		4/26/2021	7/25/2021
E2SSB 5051	Peace & corrections officers	C 323 L 21		5/18/2021	7/25/2021
E2SSB 5052	Health equity zones	C 262 L 21		5/12/2021	7/25/2021
SSB 5055	Law enforcement grievances	C 13 L 21		4/7/2021	7/25/2021
SB 5058	Natural resources accounts	C 14 L 21		4/7/2021	7/1/2021
ESSB 5061	Unemployment insurance	C 2 L 21		2/8/2021	2/8/2021
SB 5063	Invasive species council exp	C 177 L 21		5/3/2021	7/25/2021
SSB 5066	Officer duty to intervene	C 321 L 21		5/18/2021	7/25/2021
SSB 5068	Postpartum period/Medicaid	C 90 L 21		4/16/2021	7/25/2021
E2SSB 5071	Civil commitment transition	C 263 L 21		5/12/2021	7/25/2021***
SSB 5073	Involuntary commitment	C 264 L 21		5/12/2021	7/25/2021***
SB 5077	Mortgage loan originators	C 15 L 21		4/7/2021	7/25/2021
SSB 5080	Youth ed. programming funds	C 178 L 21		5/3/2021	7/25/2021
ESSB 5084	State gen. obligation bonds	C 331 L 21		5/18/2021	5/18/2021
ESSB 5092	Operating budget	C 334 L 21	PV	5/18/2021	5/18/2021
ESSB 5096	Capital gains tax	C 196 L 21		5/4/2021	7/25/2021
ESSB 5097	Paid leave coverage	C 232 L 21		5/10/2021	7/25/2021
SB 5101	Emerg. mgmt. council/tribes	C 233 L 21		5/10/2021	7/25/2021
SB 5106	Municipal financial services	C 91 L 21		4/16/2021	7/25/2021
ESSB 5115	Health emergency/labor	C 252 L 21		5/11/2021	5/11/2021
ESSB 5118	Reentry	C 265 L 21		5/12/2021	7/25/2021
ESSB 5119	Individuals in custody	C 139 L 21		4/26/2021	7/25/2021
ESSB 5121	Graduated reentry program	C 266 L 21		5/12/2021	7/25/2021
SB 5124	Colon hydrotherapy	C 179 L 21		5/3/2021	7/25/2021*
E2SSB 5126	Climate commitment act	C 316 L 21	PV	5/17/2021	7/25/2021
E2SSB 5128	Student transportation funds	C 234 L 21		5/10/2021	5/10/2021
SB 5131	County clerks/recall	C 92 L 21		4/16/2021	7/25/2021
SB 5132	Trusts and estates	C 140 L 21		4/26/2021	7/25/2021*
SB 5133	Confidential employees	C 180 L 21		5/3/2021	7/25/2021
ESB 5135	Unlawfully summoning police	C 330 L 21		5/18/2021	7/25/2021
SSB 5140	Pregnancy & miscarriage care	C 235 L 21		5/10/2021	7/25/2021
E2SSB 5141	Env. justice task force recs	C 314 L 21		5/17/2021	7/25/2021

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SB 5145	Seabed mining/hard minerals	C 181 L 21		5/3/2021	7/25/2021
SB 5146	Fish and wildlife/indemnify	C 182 L 21		5/3/2021	7/25/2021
SSB 5151	Foster care & child care	C 304 L 21	PV	5/13/2021	7/25/2021*
SSB 5152	Vehicle and driver data	C 93 L 21		4/16/2021	7/25/2021
SSB 5157	Behavioral disorders/justice	C 267 L 21		5/12/2021	7/25/2021
ESB 5158	Utility wildland fire cmte.	C 183 L 21		5/3/2021	7/25/2021
SB 5159	WDFW payments/property tax	C 184 L 21	PV	5/3/2021	7/25/2021
E2SSB 5160	Landlord-tenant relations	C 115 L 21	PV	4/22/2021	4/22/2021
E2SSB 5163	Conditionally released SVPs	C 236 L 21		5/10/2021	7/25/2021
ESB 5164	Persistent offenders/robbery	C 141 L 21		4/26/2021	7/25/2021
SSB 5165	Transp. budget 2021-2023	C 333 L 21	PV	5/18/2021	5/18/2021
SSB 5169	Provider PPE reimbursement	C 94 L 21		4/16/2021	4/16/2021
ESSB 5172	Agricultural overtime	C 249 L 21		5/11/2021	7/25/2021
SB 5177	Sex offenses/nonmarriage	C 142 L 21		4/26/2021	4/26/2021
ESSB 5178	Health care waivers	C 268 L 21		5/12/2021	7/25/2021
SSB 5179	Blood donation	C 16 L 21		4/7/2021	7/25/2021
ESSB 5180	Vacating certain convictions	C 237 L 21		5/10/2021	7/25/2021
2SSB 5183	Nonfatal strangulation	C 269 L 21		5/12/2021	7/25/2021
SB 5184	K-12 foster care contact	C 95 L 21		4/16/2021	7/25/2021
SSB 5185	Health care consent	C 270 L 21		5/12/2021	1/1/2022
ESSB 5190	Health care workers/benefits	C 251 L 21		5/11/2021	5/11/2021
2SSB 5192	Electric vehicle equipment	C 238 L 21		5/10/2021	7/25/2021
ESSB 5193	Unemployment ins. system	C 271 L 21		5/12/2021	7/25/2021
E2SSB 5194	Higher ed. equity & access	C 272 L 21		5/12/2021	7/25/2021
2SSB 5195	Opioid overdose medication	C 273 L 21		5/12/2021	7/25/2021*
SB 5198	Ambulances in rural areas	C 17 L 21		4/7/2021	7/25/2021
ESSB 5203	Generic prescription drugs	C 274 L 21		5/12/2021	7/25/2021
2SSB 5214	Economic assistance programs	C 239 L 21		5/10/2021	7/1/2023**
ESB 5220	Salmon recovery grants/tax	C 143 L 21		4/26/2021	4/26/2021
SB 5225	Direct appeals/APA, land use	C 305 L 21		5/13/2021	6/13/2021*
ESSB 5226	License suspensions/traffic	C 240 L 21		5/10/2021	1/1/2023
E2SSB 5227	Diversity, etc./higher ed.	C 275 L 21		5/12/2021	7/25/2021
SSB 5228	Medical training/equity	C 96 L 21		4/16/2021	7/25/2021
ESSB 5229	Health equity continuing ed.	C 276 L 21		5/12/2021	7/25/2021
SSB 5230	Groundwater agreements	C 185 L 21		5/3/2021	7/25/2021
ESSB 5235	Housing options & limits	C 306 L 21	PV	5/13/2021	7/25/2021
SSB 5236	Certificate of need exempt.	C 277 L 21		5/12/2021	7/1/2021
E2SSB 5237	Child care & early dev. exp.	C 199 L 21		5/7/2021	7/25/2021*
SSB 5249	Mastery-based learning	C 144 L 21		4/26/2021	7/25/2021*
ESSB 5251	Tax and revenue laws	C 145 L 21		4/26/2021	7/25/2021
2SSB 5253	Pollinator health	C 278 L 21		5/12/2021	7/25/2021
SSB 5254	Protective devices/health	C 146 L 21		4/26/2021	4/26/2021
SSB 5258	Consumer directed employers	C 186 L 21		5/3/2021	7/25/2021
E2SSB 5259	Law enforcement data	C 326 L 21		5/18/2021	7/25/2021
ESSB 5263	Personal injury defenses	C 325 L 21		5/18/2021	7/25/2021
SSB 5267	Electrical work/flipping	C 51 L 21		4/14/2021	7/25/2021
SSB 5271	Health care injury/COVID-19	C 241 L 21		5/10/2021	5/10/2021
ESSB 5272	Liquor & cannabis board fees	C 6 L 21		2/28/2021	2/28/2021
SSB 5273	Shoreline armoring	C 279 L 21		5/12/2021	7/25/2021
ESSB 5284	Subminimum wage/disabilities	C 97 L 21		4/16/2021	7/25/2021
E2SSB 5287	Afford. housing incentives	C 187 L 21		5/3/2021	7/25/2021
2SSB 5293	Mental health sentencing alt	C 242 L 21	PV	5/10/2021	7/25/2021
ESSB 5295	Gas & electrical rates	C 188 L 21		5/3/2021	7/25/2021
SB 5296	WSP retirement/index def.	C 98 L 21		4/16/2021	7/25/2021
SB 5299	Computer science/HS grad.	C 307 L 21		5/13/2021	7/25/2021
SB 5303	FDA nonpublic information	C 99 L 21		4/16/2021	7/25/2021
E2SSB 5304	Reentry services	C 243 L 21	PV	5/10/2021	7/25/2021
2SSB 5313	Health ins. discrimination	C 280 L 21		5/12/2021	7/25/2021
2SSB 5315	Captive insurance	C 281 L 21		5/12/2021	5/12/2021

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SSB 5317	Pesticide registration	C 244 L 21		5/10/2021	11/1/2021
SSB 5318	Fertilizer fees	C 282 L 21		5/12/2021	6/1/2021
ESSB 5321	College bound scholarship	C 283 L 21		5/12/2021	5/12/2021
SB 5322	SEBB & PEBB dual enrollment	C 18 L 21		4/7/2021	7/25/2021
SSB 5325	Telemedicine	C 100 L 21		4/16/2021	7/25/2021
ESB 5330	Commercial whale watching	C 284 L 21		5/12/2021	5/12/2021
2SSB 5331	Early childhood court prg	C 285 L 21		5/12/2021	7/25/2021
SB 5338	Fire districts/education	C 19 L 21		4/7/2021	7/25/2021
SB 5345	Industrial waste program	C 308 L 21		5/13/2021	7/25/2021
SB 5347	Cooperatives/member voting	C 101 L 21		4/16/2021	7/25/2021
ESSB 5353	Law enf community engagement	C 327 L 21		5/18/2021	7/25/2021
ESSB 5355	Wage liens	C 102 L 21		4/16/2021	1/1/2022
ESB 5356	Public works/bidding	C 103 L 21		4/16/2021	7/25/2021
SSB 5361	Drug offenses/resentencing	C 286 L 21		5/12/2021	5/12/2021
2SSB 5362	Agricultural fair funding	C 245 L 21		5/10/2021	7/25/2021
SB 5367	Retirement contrib. refunds	C 189 L 21		5/3/2021	7/25/2021
2SSB 5368	Rural economic development	C 312 L 21	PV	5/13/2021	7/25/2021
ESSB 5370	Mental health av. directives	C 287 L 21		5/12/2021	7/25/2021*
ESB 5372	Hemp/registration & cert.	C 104 L 21		4/16/2021	7/25/2021
E2SSB 5377	Standardized health plans	C 246 L 21		5/10/2021	7/25/2021
SSB 5378	Real estate broker renewal	C 288 L 21		5/12/2021	6/1/2022
SSB 5381	Fish passage project permits	C 289 L 21		5/12/2021	7/25/2021
2SSB 5383	Public telecomm. services	C 293 L 21		5/13/2021	7/25/2021
SSB 5384	Volunteer firefighters	C 105 L 21		4/16/2021	4/16/2021
SB 5385	Municipal airports/labor	C 106 L 21		4/16/2021	7/25/2021
2SSB 5396	Farmworker housing/tax	C 250 L 21		5/11/2021	10/1/2021
E2SSB 5399	Universal health care comm'n	C 309 L 21		5/13/2021	7/25/2021
SSB 5401	CTC computer science degrees	C 147 L 21		4/26/2021	7/25/2021
SSB 5403	System improvement team	C 190 L 21		5/3/2021	7/25/2021
ESSB 5405	JLARC racial equity analyses	C 310 L 21	PV	5/13/2021	7/25/2021
ESSB 5408	Homestead exemption	C 290 L 21		5/12/2021	5/12/2021
SSB 5423	Telemedicine consultations	C 247 L 21		5/10/2021	7/25/2021
SSB 5425	Unempl. extended benefits	C 107 L 21		4/16/2021	4/16/2021
SB 5430	Advanced tuition payment prg	C 248 L 21		5/10/2021	7/25/2021
SB 5431	Leg. internship scholarship	C 108 L 21		4/16/2021	7/25/2021
ESSB 5432	Cybersecurity/state gov.	C 291 L 21		5/12/2021	7/25/2021
ESSB 5452	Electric-assisted bicycles	C 191 L 21		5/3/2021	7/25/2021
ESB 5454	Prop. tax/natural disasters	C 192 L 21		5/3/2021	7/25/2021
SSB 5460	Autonomous vehicles	C 193 L 21		5/3/2021	7/25/2021*
ESB 5476	State v. Blake decision	C 311 L 21	PV	5/13/2021	7/25/2021*
ESSB 5478	Unemployment insurance	C 292 L 21		5/12/2021	5/12/2021
2SSB 6027	Floating Residences	C 148 L 21		Override	7/25/2021
SCR 8401	Cutoff dates	S Filed Sec/St			1/19/2021
SCR 8402	Emergency orders extension	S Filed Sec/St			1/19/2021

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BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE
HB 1001	Law enf. professional dev.	C 52 L 21		4/16/2021	7/25/2021
SHB 1007	Supervised exp./distance	C 21 L 21		4/14/2021	7/25/2021
HB 1009	Student health plans	C 53 L 21		4/16/2021	7/25/2021
SHB 1016	Juneteenth	C 295 L 21		5/13/2021	7/25/2021
HB 1022	Horse racing commission	C 149 L 21		5/3/2021	7/25/2021
HB 1023	Predesign requirements	C 54 L 21		4/16/2021	7/25/2021
2SHB 1028	Residency teacher cert.	C 198 L 21		5/10/2021	5/5/2021
HB 1031	Birth cert., stillbirth	C 55 L 21		4/16/2021	7/25/2021*
2SHB 1033	Employment training program	C 116 L 21		4/26/2021	7/1/2021
HB 1034	Park & rec. district levies	C 117 L 21		4/26/2021	7/25/2021
SHB 1037	Insurance adjusters	C 22 L 21		4/14/2021	7/25/2021
HB 1042	Child custody/international	C 23 L 21		4/14/2021	4/14/2021
2SHB 1044	Prison to postsecondary ed.	C 200 L 21		5/10/2021	7/25/2021
EHB 1049	Off-site delivery of vehicle	C 201 L 21		5/10/2021	7/25/2021
E2SHB 1050	Fluorinated gases	C 315 L 21		5/17/2021	7/25/2021*
ESHB 1054	Peace officer tactics, equip	C 320 L 21		5/18/2021	7/25/2021
HB 1055	Timber purchase reporting	C 24 L 21		4/14/2021	6/30/2021
2SHB 1061	Child welfare/dev disability	C 56 L 21		4/16/2021	7/25/2021
HB 1063	Behav. health credentials	C 57 L 21		4/16/2021	4/16/2021
SHB 1064	Seller's disclosure/internet	C 25 L 21		4/14/2021	7/25/2021*
ESHB 1068	Election security/PRA	C 26 L 21		4/14/2021	4/14/2021
E2SHB 1069	Local gov fiscal flexibility	C 296 L 21	PV	5/13/2021	5/13/2021
ESHB 1070	Housing/local tax revenue	C 27 L 21		4/14/2021	4/14/2021
HB 1072	Civil legal aid funds/use	C 58 L 21		4/16/2021	7/25/2021
E2SHB 1073	Paid leave coverage	C 109 L 21		4/21/2021	4/21/2021
ESHB 1078	Voter eligibility/felony	C 10 L 21		4/7/2021	1/1/2022
SHB 1080	Capital budget 2021-2023	C 332 L 21		5/18/2021	5/18/2021**
E2SHB 1083	Relocation assistance	C 28 L 21		4/14/2021	7/25/2021
SHB 1085	Students w/seizure disorders	C 29 L 21		4/14/2021	7/25/2021
E2SHB 1086	Behavioral health consumers	C 202 L 21		5/10/2021	7/25/2021*
HB 1087	Family/med leave continuity	C 59 L 21		4/16/2021	4/16/2021
SHB 1088	Impeachment disclosures	C 322 L 21		5/18/2021	7/25/2021
E2SHB 1089	Law enforcement audits	C 319 L 21		5/18/2021	7/25/2021
EHB 1090	Private detention facilities	C 30 L 21		4/14/2021	4/14/2021
E3SHB 1091	Transportation fuel/carbon	C 317 L 21	PV	5/17/2021	7/25/2021
SHB 1095	Emergency assistance/tax	C 4 L 21		2/19/2021	2/19/2021
HB 1096	Nonmedicare plans	C 60 L 21		4/16/2021	7/25/2021
ESHB 1097	Worker protections	C 253 L 21		5/11/2021	7/25/2021*
HB 1104	Mortgage lending fraud acct	C 31 L 21		4/14/2021	4/14/2021
SHB 1107	Nonresident vessel permits	C 150 L 21		5/3/2021	7/25/2021
ESHB 1108	Foreclosure assistance	C 151 L 21		5/3/2021	7/25/2021*
ESHB 1109	Victims of sexual assault	C 118 L 21		4/26/2021	4/26/2021
ESHB 1113	School attendance	C 119 L 21		4/26/2021	7/25/2021*
SHB 1114	Urban heat island mitigation	C 11 L 21		4/7/2021	7/25/2021
HB 1115	Credit card costs recovery	C 32 L 21		4/14/2021	7/1/2021
HB 1119	Low-cost course material/bac	C 152 L 21		5/3/2021	7/25/2021
ESHB 1120	Long-term services/emergency	C 203 L 21		5/10/2021	5/10/2021
EHB 1121	Graduation reqs/emergency	C 7 L 21		3/2/2021	3/2/2021
2SHB 1127	COVID-19 health data privacy	Gov vetoed	V	5/18/2021	
SHB 1129	International medical grads	C 204 L 21		5/10/2021	7/25/2021
EHB 1131	Private schools/waiver	C 8 L 21		3/2/2021	3/2/2021
SHB 1137	Road maintenance/planning	C 153 L 21		5/3/2021	7/25/2021
E2SHB 1139	Lead in drinking water	C 154 L 21		5/3/2021	7/25/2021
ESHB 1140	Juvenile access to attorneys	C 328 L 21		5/18/2021	1/1/2022
HB 1143	Trust water rights program	C 110 L 21		4/21/2021	4/21/2021
SHB 1145	Carryout bags/nonwood fiber	C 33 L 21		4/14/2021	7/25/2021
2SHB 1148	Acute care hospitals	C 61 L 21		4/16/2021	7/25/2021

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SHB 1151	Public assistance	C 9 L 21		3/31/2021	07/25/2021*
E2SHB 1152	Comp health districts	C 205 L 21		5/10/2021	7/25/2021*
SHB 1155	Emergency comm. sales tax	C 297 L 21		5/13/2021	7/25/2021
HB 1159	Fire district comm'r, number	C 34 L 21		4/14/2021	7/25/2021
2SHB 1161	Drug take-back programs	C 155 L 21		5/3/2021	7/25/2021
SHB 1166	College students pilot	C 62 L 21		4/16/2021	7/25/2021
HB 1167	Thurston superior court	C 63 L 21		4/16/2021	7/25/2021
2SHB 1168	Long-term forest health	C 298 L 21		5/13/2021	7/25/2021
SHB 1170	Manufacturing	C 64 L 21		4/16/2021	7/25/2021
SHB 1171	Child support withholding	C 35 L 21		4/14/2021	7/25/2021*
ESHB 1176	Student fines and fees	C 120 L 21		4/26/2021	7/25/2021
ESHB 1184	Risk-based water standards	C 156 L 21		5/3/2021	7/25/2021
E2SHB 1186	Juvenile rehabilitation	C 206 L 21		5/10/2021	7/25/2021**
ESHB 1189	Tax increment financing	C 207 L 21		5/10/2021	7/25/2021
EHB 1192	Technical corrections	C 65 L 21		4/16/2021	7/25/2021*
SHB 1193	Dredged material disposal	C 299 L 21		5/13/2021	7/25/2021
E2SHB 1194	Parent-child visitation	C 208 L 21		5/10/2021	7/25/2021
ESHB 1196	Audio-only telemedicine	C 157 L 21		5/3/2021	7/25/2021
EHB 1199	DNR lease termination	C 36 L 21		4/14/2021	7/25/2021
SHB 1206	Temporary workers	C 37 L 21		4/14/2021	7/25/2021
SHB 1207	DOL issued documents	C 158 L 21		5/3/2021	7/25/2021*
SHB 1208	Learning assistance program	C 111 L 21		4/21/2021	4/21/2021***
SHB 1209	Nonmedical assist. immunity	C 66 L 21		4/16/2021	7/25/2021
ESHB 1214	K-12 safety & security serv.	C 38 L 21		4/14/2021	7/25/2021
E2SHB 1216	Urban and community forestry	C 209 L 21		5/10/2021	7/25/2021
SHB 1218	Long-term care residents	C 159 L 21		5/3/2021	7/25/2021
2SHB 1219	Youth counsel/dependency	C 210 L 21		5/10/2021	7/25/2021
E2SHB 1220	Emergency shelters & housing	C 254 L 21	PV	5/12/2021	7/25/2021
SHB 1221	Homelessness definitions	C 67 L 21		4/16/2021	7/25/2021
SHB 1223	Custodial interrogations	C 329 L 21		5/18/2021	7/25/2021*
SHB 1225	School-based health centers	C 68 L 21		4/16/2021	7/25/2021
E2SHB 1227	Child abuse allegations	C 211 L 21		5/10/2021	7/25/2021*
ESHB 1236	Residential tenants	C 212 L 21		5/10/2021	5/10/2021
HB 1237	Family resource centers	C 39 L 21		4/14/2021	7/25/2021
SHB 1250	Purple heart state	C 213 L 21		5/10/2021	7/25/2021
EHB 1251	Wheeled ATVs/state highways	C 121 L 21		4/26/2021	7/25/2021
SHB 1259	Women & minority contracting	C 160 L 21		5/3/2021	7/25/2021
ESHB 1267	Police use of force	C 318 L 21		5/18/2021	7/25/2021
SHB 1269	Vehicle transporter plates	C 161 L 21		5/3/2021	1/1/2022
EHB 1271	County officials/continuity	C 122 L 21		4/26/2021	7/25/2021*
E2SHB 1272	Health system transparency	C 162 L 21		5/3/2021	7/25/2021
ESHB 1273	Menstrual products/schools	C 163 L 21		5/3/2021	7/25/2021
E2SHB 1274	Cloud computing solutions	C 40 L 21		4/14/2021	7/25/2021
SHB 1276	Diversion centers/EMS	C 69 L 21		4/16/2021	7/25/2021
E2SHB 1277	Housing/revenue source	C 214 L 21		5/10/2021	7/25/2021
SHB 1279	Main street program	C 112 L 21		4/21/2021	7/25/2021*
E2SHB 1287	Zero emissions transp.	C 300 L 21	PV	5/13/2021	7/25/2021
HB 1289	Winery workforce development	C 123 L 21		4/26/2021	7/25/2021
SHB 1294	Misdemeanant supervision	C 41 L 21		4/14/2021	7/25/2021
E2SHB 1295	Institutional ed./release	C 164 L 21		5/3/2021	7/25/2021
HB 1296	Behavioral health admin orgs	C 124 L 21		4/26/2021	4/26/2021
ESHB 1297	Working families tax exempt.	C 195 L 21		5/4/2021	7/25/2021
SHB 1301	RTA fare enforcement options	C 70 L 21		4/16/2021	7/25/2021
SHB 1302	College in the high school	C 71 L 21		4/16/2021	7/25/2021
SHB 1309	Levy certification dates	C 42 L 21		4/14/2021	7/25/2021
E2SHB 1310	Uses of force by officers	C 324 L 21		5/18/2021	7/25/2021
EHB 1311	SUD apprenticeships/certs	C 165 L 21		5/3/2021	7/25/2021
SHB 1314	Veteran diversion/invol comm	C 125 L 21		4/26/2021	7/25/2021*
HB 1315	Domestic violence/workplace	C 43 L 21		4/14/2021	7/25/2021

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HB 1316	Hospital safety net assess.	C 255 L 21		5/12/2021	7/25/2021
E2SHB 1320	Civil protection orders	C 215 L 21		5/10/2021	7/1/2022*
SHB 1322	Off-road vehicle enforcement	C 216 L 21		5/10/2021	10/1/2021
SHB 1323	Long-term services trust	C 113 L 21		4/21/2021	7/25/2021
2SHB 1325	Behavioral health/youth	C 126 L 21		4/26/2021	7/25/2021
ESHB 1326	Coroners & medical examiners	C 127 L 21		4/26/2021	7/25/2021*
SHB 1331	Early learning impact fees	C 72 L 21		4/16/2021	7/25/2021
ESHB 1332	Property tax deferral/COVID	C 73 L 21		4/16/2021	4/16/2021
E2SHB 1335	Racial restrictions/review	C 256 L 21		5/12/2021	7/25/2021
ESHB 1336	Public telecomm. service	C 294 L 21	PV	5/13/2021	7/25/2021
EHB 1342	Reduced-price lunch copays	C 74 L 21		4/16/2021	7/25/2021
SHB 1348	Incarcerated persons/medical	C 166 L 21		5/3/2021	7/25/2021
SHB 1355	Noxious weeds	C 217 L 21		5/10/2021	7/25/2021
SHB 1356	Native American names, etc.	C 128 L 21		4/26/2021	7/25/2021
SHB 1363	Secondary trauma/K-12	C 129 L 21		4/26/2021	7/25/2021
E2SHB 1365	Schools/computers & devices	C 301 L 21		5/13/2021	7/25/2021
HB 1367	Medicaid appropriations	C 5 L 21		2/19/2021	2/19/2021
ESHB 1368	Federal funding/COVID-19	C 3 L 21		2/26/2021	2/19/2021
ESHB 1370	Early learning fac. grants	C 130 L 21		4/26/2021	7/25/2021
ESHB 1372	Statuary hall/Billy Frank Jr	C 20 L 21		4/14/2021	7/25/2021
SHB 1373	Behavioral health/students	C 167 L 21		5/3/2021	7/25/2021
HB 1378	Medical assistants	C 44 L 21		4/14/2021	7/25/2021*
SHB 1379	Unpiloted aircraft system	C 131 L 21		4/26/2021	7/1/2021*
E2SHB 1382	Salmon recovery projects	C 75 L 21		4/16/2021	7/25/2021
SHB 1383	Respiratory care	C 114 L 21		4/21/2021	7/1/2022
EHB 1386	Industrial/manuf. facilities	C 218 L 21		5/10/2021	7/25/2021
HB 1393	Photovoltaic module program	C 45 L 21		4/14/2021	7/25/2021
HB 1399	Prof. licensure/convictions	C 194 L 21		5/3/2021	1/1/2022
ESHB 1410	Home foreclosure/taxes	C 257 L 21		5/12/2021	1/1/2022
SHB 1411	Health care workforce	C 219 L 21		5/10/2021	7/25/2021*
SHB 1416	Insurers/child support coll.	C 168 L 21		5/3/2021	1/1/2022
SHB 1423	Smoke management civil enf.	C 132 L 21		4/26/2021	7/25/2021
SHB 1424	Sale of dogs and cats	C 76 L 21		4/16/2021	7/25/2021
SHB 1425	CTC student scholarships	C 133 L 21		4/26/2021	7/25/2021
ESHB 1426	K-12 continuing ed./equity	C 77 L 21		4/16/2021	7/25/2021
HB 1437	Vessel crewmember license	C 46 L 21		4/14/2021	7/25/2021
SHB 1438	Property tax/health expenses	C 220 L 21		5/10/2021	7/25/2021
ESHB 1443	Cannabis industry/equity	C 169 L 21		5/3/2021	7/25/2021
SHB 1445	Definition of compounding	C 78 L 21		4/16/2021	7/25/2021
SHB 1446	Utility acquisition targets	C 79 L 21		4/16/2021	7/25/2021
SHB 1455	Social security/L&I & ESD	C 80 L 21		4/16/2021	7/25/2021
ESHB 1457	Broadband/state highways	C 258 L 21		5/12/2021	7/25/2021
HB 1469	Enhanced raffle procedures	C 81 L 21		4/16/2021	7/25/2021
EHB 1471	Community preservation auth.	C 47 L 21		4/14/2021	7/25/2021
SHB 1472	Student ach council/graduate	C 134 L 21		4/26/2021	7/25/2021
ESHB 1476	Enrollment declines/OSPI	C 221 L 21		5/10/2021	7/25/2021
E2SHB 1477	National 988 system	C 302 L 21		5/13/2021	7/25/2021*
E2SHB 1480	Liquor licensee privileges	C 48 L 21		4/14/2021	4/14/2021
EHB 1482	Common interest/foreclosure	C 222 L 21		5/10/2021	5/10/2021*
SHB 1484	Building mapping system	C 223 L 21		5/10/2021	7/1/2021
HB 1491	Transport of timber, etc.	C 49 L 21		4/14/2021	7/25/2021
SHB 1493	Job search monitoring	C 82 L 21		4/16/2021	4/16/2021
HB 1495	Auto dealers/cash incentives	Gov vetoed	V	5/18/2021	
SHB 1502	Electric ferries/counties	C 224 L 21		5/10/2021	7/25/2021
E2SHB 1504	Workforce ed. investment act	C 170 L 21		5/3/2021	7/25/2021
ESHB 1512	Lodging-related assessments	C 225 L 21		5/10/2021	5/10/2021
SHB 1514	Transportation demand	C 135 L 21		4/26/2021	9/1/2021
ESHB 1521	Warehousing & manuf. jobs	C 83 L 21		4/16/2021	7/1/2021
HB 1525	Enforcement of judgments	C 50 L 21		4/14/2021	7/25/2021

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ESHB 1529	Toll revenues/debt service	C 136 L 21		4/26/2021	4/26/2021
SHB 1532	Court filing fees	C 303 L 21		5/13/2021	7/1/2021
HCR 4400	Legislature joint rules	H Filed Sec/St			1/13/2021
HCR 4401	Joint sessions	H Filed Sec/St			1/13/2021
HCR 4403	Bills/to house of origin	H Filed Sec/St			4/26/2021
HCR 4404	Adjourning SINE DIE	H Filed Sec/St			4/26/2021

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5000	24	114, 238, 271	434			C171
5000-S2			434	434	1366, 2037(P), 2233	C171
5001	24					
5002	25	101			569	
5003	25	111	355			C172
5003-S			355	355	1417, 1418, 2042(P), 2233,	C172
5004	25	265	483			
5004-S			483	483	2942	
5005	25	98	195	195	995, 1050(P), 1160	C84
5006	25	145				
5007	25					
5008	25	114, 573	1411	1411	1161, 2299, 2303(P), 2574	C226
5009	25	203	350			C259
5009-S			351	351	1418, 1420, 2189(P), 2432,	C259
5010	25	242			569	
5011	25	98	195			C227
5011-S			195	195	1420, 1431, 2042(P), 2233,	C227
5012	25	199				
5013	25	101	122			C173
5013-S			122	122	1431, 1434, 2189(P), 2432,	C173
5014	25	108			569	
5015	26	108	473	473	958, 1054(P), 1160	C85
5016	26	183	452	452	958, 1054(P), 1160	C86
5017	26	199	249	249	2942	
5018	26	101	291	291	958, 1054(P), 1160	C87
5019	26	114, 252	522	522	1160, 1345(P), 1414	C137
5020	26	238				
5021	26	148	282	282	603, 604(P), 611	C12
5022	26	186, 268	405			C313
5022-S2			405, 410, 420		405, 410, 419, 420	C313
5022-S2.E				421	2042, 2050, 2051, 2252(P), 2432	C313
5023	26	145				
5024	26	98	143			C260
5024-S			143			C260
5024-S.E				144	2016, 2209(P), 2432,	C260
5025	26	148	296			C228
5025-S			296, 297	297	297, 2051, 2052, 2052, 2252(P), 2432	C228
5026	26	119, 229	291			C88
5026.E				291	995, 1050(P), 1160	C88
5027	26	114	221	222	1446, 1447, 2042(P), 2233,	C229
5028	27					
5029	27	216, 573				
5030	27	111	283			C174
5030-S			283	283	1434, 1435, 2042(P), 2233,	C174
5031	27	183, 259	458	458	183, 1413, 2037(P), 2233	C175

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5032	27	111	192	193	1435, 1446, 2042(P), 2233,	C230
5033	27	114				
5034	27	114	222			C176
5034-S			222	222	1447, 1517, 2042(P), 2233,	C176
5035	27	148	310			
5035-S			310, 311	311	2942	
5036	27	203, 268	363			
5036-S2			363, 364, 366, 367			
5036-S2.E				367	2942	
5037	28					
5038	28	148	312			C261
5038-S			312			C261
5038-S.E				314	2190, 2192, 2310(P), 2574,	C261
5039	28					
5040	28	186, 272	545	545	1587, 1588, 2189(P), 2432,	C231
5041	28					
5042	28	145			569	
5043	28	199, 272	484	484	2942	
5044	28	111	140			C197
5044-S			140, 141, 142		141	C197
5044-S.E				142	2192, 2195, 2310(P), 2574,	C197
5045	28	114, 252	429			
5045-S2			429	429	2942	
5046	28	145	222	222	958, 1054(P), 1160	C89
5047	28					
5048	28	95	221	221	1160, 1345(P), 1414	C138
5049	28	242			244, 569	
5050	29					
5051	29	115, 252	325		115	C323
5051-S2			325, 326, 327, 328, 329, 330, 331, 332, 342		328, 329, 330, 343	C323
5051-S2.E				343	2235, 2247, 2310(P), 2574,	C323
5052	29	145, 265	348			C262
5052-S2			348, 349		349	C262
5052-S2.E				350	2207, 2208, 2310(P), 2574,	C262
5053	29					
5054	29	148, 253	394	394	2942	
5055	29	199	262			C13
5055-S			262	262	603, 604(P), 611	C13
5056	29					
5057	29					
5058	29	148	484	485	603, 604(P), 611	C14
5059	29	148			569	
5060	29					
5061	29	105	123			C2
5061-S			123, 139		142, 206	C2
5061-S.E				143	183, 185	C2
5062	30	115, 253	434			

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5062-S2			434	434	2942	
5063	30	115, 253	403	403	1366, 2037(P), 2233	C177
5064	30	199			569	
5065	30	242	547			
5065-S			548			
5065-S.E				548	2942	
5066	30	115, 229	283		115	C321
5066-S			283, 284, 285	286	2189, 2190, 2310(P), 2574,	C321
5067	30					
5068	30	121, 265	309			C90
5068-S			309	309	958, 1054(P), 1160	C90
5069	30					
5070	30					
5071	30	213, 272	369		95	C263
5071-S2			369			C263
5071-S2.E				393	1517, 1541, 2189(P), 2432,	C263
5072	30					
5073	30	117	193		95	C264
5073-S			193	193	1541, 1583, 2189(P), 2432,	C264
5074	30	117, 229	296		95	
5074-S			296			
5074-S.E				296	2942	
5075	31					
5076	31					
5077	31	98	194	194	603, 604(P), 611	C15
5078	31	149			569	
5079	31	203			569	
5080	31	119	247			C178
5080-S			248	248	1366, 2037(P), 2233	C178
5081	31					
5082	31	111, 253	466			
5082-S			466	467	2942	
5083	31	610	623		611	
5083-S			623, 624, 625		624	
5083-S.E				626	2942	
5084	31	610	2428		611	C331
5084-S			2428		2600	C331
5084-S.E				2429	2488, 2501(P)	C331
5085	31	272	522			
5085-S			522	522	2942	
5086	32					
5087	32					
5088	32					
5089	32	149			569	
5090	32					
5091	32					
5092	32	631	635			C334PV
5092-S			635, 636, 637, 638, 639, 640		637, 639	C334PV
5092-S.E				878	1618, 2488, 2600, 2939, 2940, 2941(P), 2942	C334PV
5093	32					
5094	32					
5095	32					

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5096	32	259	492			C196
5096-S			492, 496, 497, 498, 499, 501, 502		496, 502	C196
5096-S.E				502	2264, 2268, 2433, 2577, 2582, 2939(P)	C196
5097	32	227	421			C232
5097-S			421, 424		421	C232
5097-S.E				425	2185, 2188, 2189, 2310(P), 2574	C232
5098	33					
5099	33					
5100	33					
5101	33	186	290	291	1583, 1584, 2189(P), 2432,	C233
5102	33	242				
5103	33					
5104	33					
5105	33	153				
5106	33	149	248	248	958, 1054(P), 1160	C91
5107	33					
5108	33					
5109	33					
5110	33					
5111	34					
5112	34					
5113	34					
5114	34				144	
5115	34	242	287			C252
5115-S			287		287	C252
5115-S.E				288	1584, 1587, 2189(P), 2432,	C252
5116	34	208				
5117	34	117				
5118	34	117, 253	350			C265
5118-S			350			C265
5118-S.E				350	2052, 2053, 2252(P), 2432,	C265
5119	34	186, 265	312			C139
5119-S			312			C139
5119-S.E				312	1160, 1345(P), 1414	C139
5120	34	117			569	
5121	34	117	189			C266
5121-S			189, 190, 191, 192			C266
5121-S.E				192	2104, 2106, 2281(P), 2432,	C266
5122	34	153	449		154	
5122-S			449, 451			
5122-S.E				452	2942	
5123	34	208			569	
5124	35	101	547	547	1160, 1345(P), 1414	C179
5125	35	216	522			
5125-S			523	523	2942	
5126	35	344, 587	1050			C316PV
5126-S2			1050, 1051, 1052, 1053, 1054, 1055,		1057, 1058, 1093, 2600	C316PV

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
			1056, 1057, 1058, 1059, 1064, 1081			
5126-S2.E				1093	1093, 2452, 2477, 2478, 2501(P)	C316PV
5127	35	229	290			
5127-S			290	290	2942	
5128	35	111, 229	460			C234
5128-S2			460, 465, 466			C234
5128-S2.E				466	1986, 2197, 2198, 2310(P), 2574,	C234
5129	35	153			36, 37, 569	
5130	35	242			569	
5131	35	208	292	292	995, 1050(P), 1160	C92
5132	35	115	226	226	1160, 1345(P), 1414	C140
5133	35	111, 229	404	404	1160, 1345(P), 2432	C180
5134	36					
5135	36	115	505			C330
5135.E				506	1160, 1345(P), 1414	C330
5136	36	145				
5137	36	243			569	
5138	36				36, 37	
5139	36					
5140	84	183	255			C235
5140-S			255, 256	257	2208, 2209, 2310(P), 2574,	C235
5141	84	216, 268	394			C314
5141-S2			395, 396, 397		397	C314
5141-S2.E				398	2199, 2207, 2310(P), 2574,	C314
5142	84					
5143	84					
5144	84					
5145	84	230	453	453	1413, 2037(P), 2233	C181
5146	84	230	282	282	1160, 2042(P), 2233	C182
5147	84	145, 272			2941	
5148	84	230	314			
5148-S			314	315	2942	
5149	84	238				
5150	85					
5151	85	121, 259	309			C304PV
5151-S			309	310	2210, 2229, 2310(P), 2574,	C304PV
5152	85	203	430			C93
5152-S			430	430	958, 1055(P), 1160	C93
5153	85					
5154	85					
5155	85	203, 272			228, 569	
5156	85					
5157	85	153	225		95	C267
5157-S			225	226	1598, 1600, 2189(P), 2432,	C267
5158	85	149, 253	354		150	C183
5158.E				355	1603, 1604, 2042(P), 2233,	C183
5159	85	149, 272	523	523	1366, 2037(P), 2233	C184PV
5160	85	199, 268	443			C115PV
5160-S2			443, 444, 445,			C115PV

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			447			
5160-S2.E				448	2172, 2183, 2184(P), 2185	C115PV
5161	85	146			569	
5162	85					
5163	86	208, 268	524			C236
5163-S2			524, 525		524	C236
5163-S2.E				525	2110, 2119, 2281(P), 2432,	C236
5164	86	203	367, 368			C141
5164.E				369	1160, 1345(P), 1414	C141
5165	86	608	611		609	C333PV
5165-S			611, 612	612	612, 1923, 2264, 2502, 2573, 2575(P), 2600	C333PV
5166	86					
5167	86					
5168	86					
5169	86	149	226			C94
5169-S			226	226	958, 1050(P), 1160	C94
5170	86	208			569	
5171	86					
5172	86	243	550			C249
5172-S			550, 551, 555			C249
5172-S.E				555	2016, 2018, 2209(P), 2432,	C249
5173	86					
5174	86	186, 269			569	
5175	86	149, 259			150, 569	
5176	87					
5177	90	149	250	250	1160, 1345(P), 1414	C142
5178	90	153	540			C268
5178-S			540			C268
5178-S.E				541	1588, 2189(P), 2432,	C268
5179	90	208	288			C16
5179-S			289	289	603, 604(P), 611	C16
5180	90	203	297			C237
5180-S			297			C237
5180-S.E				305	1588, 1596, 2189(P), 2432,	C237
5181	91	213	262			
5181-S			262	262	2942	
5182	91	187			569	
5183	91	146, 259	306			C269
5183-S2			306	306	2101, 2102, 2281(P), 2432,	C269
5184	91	121	194	194	958, 1054(P), 1160	C95
5185	91	150	248		92	C270
5185-S			248	249	2247, 2251, 2252, 2303(P), 2574	C270
5186	91					
5187	91	573				
5188	91	216, 273	476			
5188-S2			476, 477			
5188-S2.E				477	2942	
5189	91	230				
5190	91	230	317			C251
5190-S			317, 322, 323			C251

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5190-S.E				324	2053, 2058, 2059, 2252(P), 2432	C251
5191	91	230	430			
5191-S			431		431	
5191-S.E				431	2259, 2261, 2942	
5192	91	230, 573	974			C238
5192-S2			974	980	2268, 2273, 2274, 2434(P), 2574	C238
5193	91	227	315			C271
5193-S			315		315	C271
5193-S.E				317	2059, 2060, 2252(P), 2432,	C271
5194	92	204, 273	525			C272
5194-S2			526, 527		527	C272
5194-S2.E				528	2060, 2065, 2066, 2252(P), 2432	C272
5195	92	208, 273	475		108	C273
5195-S2			475	475	2106, 2110, 2281(P), 2432,	C273
5196	92	187	305	305	2942	
5197	92					
5198	92	146	193	193	603, 604(P), 611	C17
5199	92					
5200	92					
5201	92	204	250	250	2942	
5202	92	213	306	306	2942	
5203	92	209, 273	458			C274
5203-S			458, 459		459	C274
5203-S.E				459	2252, 2253, 2304(P), 2574,	C274
5204	95					
5205	95					
5206	95					
5207	95					
5208	95					
5209	95				108	
5210	95	153	431		108	
5210-S			431	431	2942	
5211	96	150, 265			97, 569	
5212	96					
5213	96					
5214	96	209, 269	432			C239
5214-S2			432	433	2100, 2101, 2281(P), 2432,	C239
5215	96	150				
5216	96					
5217	96					
5218	96					
5219	96					
5220	96	150, 273	453, 454			C143
5220.E				458	1160, 1345(P), 1414	C143
5221	96					
5222	96					
5223	96					
5224	96					
5225	96	231	281	281	1413, 2037(P), 2233	C305
5226	97	243	528		97	C240

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5226-S			529, 536, 537		529, 536, 537	C240
5226-S.E				537	2008, 2015, 2209(P), 2432,	C240
5227	97	204, 269	435		215	C275
5227-S2			435, 436, 437		435	C275
5227-S2.E				437	2066, 2068, 2252(P), 2432,	C275
5228	97	204, 269	352			C96
5228-S			352	353	352, 958, 1054(P), 1160	C96
5229	97	209	257			C276
5229-S			257			C276
5229-S.E				258	2006, 2008, 2304(P), 2574,	C276
5230	98	231	546			C185
5230-S			546	547	1413, 2037(P), 2233	C185
5231	98					
5232	98	274	612		612	
5232.E				613	2942	
5233	98					
5234	99					
5235	99	204	295			C306PV
5235-S			295			C306PV
5235-S.E				296	1597, 1598, 2189(P), 2432,	C306PV
5236	99	209	249			C277
5236-S			249	249	2068, 2071, 2252(P), 2432,	C277
5237	99	200, 269	489			C199
5237-S2			489, 490, 491, 492		491	C199
5237-S2.E				492	2081, 2234, 2281, 2299, 2434(P), 2574	C199
5238	99					
5239	99					
5240	99					
5241	99	204, 274	404			
5241-S2			404	405	2942	
5242	99	200, 274	438	439	2942	
5243	99					
5244	99					
5245	99	209, 270	439			
5245-S			439		2942	
5245-S.E				439		
5246	99	209				
5247	101					
5248	101	187				
5249	101	209, 274	440			C144
5249-S			440	440	1160, 1345(P), 1414	C144
5250	101					
5251	101	231	324		264	C145
5251-S			324			C145
5251-S.E				325	1160, 1345(P), 1414	C145
5252	102					
5253	102	204, 274	432			C278
5253-S2			432	432	1600, 1603, 2189(P), 2432,	C278
5254	102	227	402			C146

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5254-S			402	402	1160, 1345(P), 1414	C146
5255	102	231				
5256	102					
5257	102					
5258	102	209, 270	353		103	C186
5258-S			353	353	1160, 2042(P), 2233	C186
5259	102	204, 274	394			C326
5259-S2			394			C326
5259-S2.E				394	1604, 1606, 1607, 2042(P), 2233	C326
5260	102	200			569	
5261	102					
5262	102	183, 622	974			
5262-S			974	974	2942	
5263	102	205	476			C325
5263-S			476		476	C325
5263-S.E				476	1160, 1345(P), 1414	C325
5264	102	210			569, 1417, 2941	
5265	102	243, 274	438			
5265-S2			438	438	438, 2942	
5266	103	119			103	
5267	103	213	325			C51
5267-S			325	325	325, 611, 629(P), 919	C51
5268	105	210, 270	478			
5268-S			478			
5268-S.E				479	2942	
5269	105	231				
5270	105					
5271	105	231	282			C241
5271-S			282	282	1160, 1345(P), 1414	C241
5272	105	112, 150	195			C6
5272-S			196	197		C6
5272-S.E					293(P), 293, 343	C6
5273	105	205	261			C279
5273-S			261	262	2253, 2254, 2304(P), 2574,	C279
5274	106					
5275	106	238	525			
5275-S			525			
5275-S.E				525	2942	
5276	106					
5277	106					
5278	106					
5279	106					
5280	106					
5281	106					
5282	106					
5283	106					
5284	106	213	263			C97
5284-S			263			C97
5284-S.E				264	958, 1054(P), 1160	C97
5285	106					
5286	106					
5287	106	231, 275	425			C187
5287-S2			425, 426		425, 426	C187
5287-S2.E				426	1607, 1613, 2042(P),	C187

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					2233,	
5288	106	205	520			
5288-S			520	521	2942	
5289	106					
5290	108					
5291	108	238	452	452	2942	
5292	108	238	288			
5292-S			288	288	2942	
5293	108	231, 275	478			C242PV
5293-S2			478	478	1160, 1345(P), 1414	C242PV
5294	108	150, 254	546			
5294-S			546	546	2942	
5295	108	232	470			C188
5295-S			470			C188
5295-S.E				473	2001, 2004, 2209(P), 2432,	C188
5296	108	232	290	290	995, 1050(P), 1160	C98
5297	109					
5298	109					
5299	109	227	440	440	2004, 2006, 2209(P), 2432,	C307
5300	109	232	290	290	2942	
5301	109					
5302	109	153				
5303	109	239	286	286	958, 1055(P), 1160	C99
5304	109	205, 270	479			C243PV
5304-S2			479			C243PV
5304-S2.E				483	2254, 2258, 2304(P), 2574,	C243PV
5305	109					
5306	110					
5307	110					
5308	110					
5309	110					
5310	110					
5311	110	210				
5312	110	200	250	250	2942	
5313	110	239, 275	353			C280
5313-S2			353	354	2072, 2073, 2252(P), 2432,	C280
5314	112					
5315	112	150, 254	549			C281
5315-S2			549	550	1160, 1345(P), 1414	C281
5316	112					
5317	112	205, 275	528			C244
5317-S			528	528	528, 2274, 2276, 2434(P), 2574,	C244
5318	112	205	431		206	C282
5318-S			432	432	2276, 2278, 2434(P), 2574,	C282
5319	112					
5320	112					
5321	112	217, 270	448			C283
5321-S			448		448	C283
5321-S.E				449	449, 2229, 2299, 2304(P), 2574,	C283
5322	112	232	280	280	603, 604(P), 611	C18

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5323	112					
5324	112					
5325	112	239, 275	347			C100
5325-S			347	348	995, 1050(P), 1160	C100
5326	115	275			108, 569	
5327	115	210, 270	311		121	
5327-S2			311	311	2942	
5328	115	210, 270	433		121	
5328.E				434	2942	
5329	116	232, 276			569	
5330	116	232	915			C284
5330.E				916	2433, 2434(P), 2574	C284
5331	116	210, 266	310			C285
5331-S2			310	310	2195, 2197, 2304(P), 2574,	C285
5332	116	254	521			
5332-S			521	521	2942	
5333	116	232, 276			569	
5334	116					
5335	116					
5336	116					
5337	118	276			569	
5338	118	217	250	251	603, 604(P), 611	C19
5339	118					
5340	118	227			569	
5341	118	217	262	263	2942	
5342	118	239	425			
5342-S			425	425	2942	
5343	118					
5344	118					
5345	118	217, 266	348	348	1613, 1616, 2042(P), 2233,	C308
5346	118					
5347	118	205	251	251	995, 1050(P), 1160	C101
5348	118					
5349	119					
5350	119					
5351	119					
5352	119	254	549	549	2942	
5353	120	232, 276	541			C327
5353-S			541		541	C327
5353-S.E				542	1616, 1617, 1618, 2189(P), 2432	C327
5354	120	239	288	288	2942	
5355	120	243	547		244	C102
5355-S			547			C102
5355-S.E				547	995, 1050(P), 1160	C102
5356	121	217	289			C103
5356.E				289	958, 1055(P), 1160	C103
5357	121	260	484			
5357-S			484			
5357-S.E				484	2942	
5358	122	205				
5359	122					
5360	122					
5361	122	243	473			C286

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5361-S			473	474	2209, 2210, 2304(P), 2574,	C286
5362	122	233, 276	546			C245
5362-S2			546	546	2259, 2304(P), 2574,	C245
5363	122					
5364	122	213				
5365	122					
5366	146					
5367	146	254	347	347	1366, 2037(P), 2233	C189
5368	146	233, 277	479		235	C312PV
5368-S2			479	479	2102, 2104, 2281(P), 2432,	C312PV
5369	146					
5370	146	239	506		187	C287
5370-S			506			C287
5370-S.E				520	1992, 1993, 2209(P), 2432,	C287
5371	146					
5372	147	205	543			C104
5372.E				545	995, 1050(P), 1160	C104
5373	147					
5374	147					
5375	147	227, 266			569	
5376	147	213	354			
5376-S			354	354	2942	
5377	147	239, 277	428			C246
5377-S2			428			C246
5377-S2.E				428	2073, 2076, 2252(P), 2432,	C246
5378	150	233, 277	524			C288
5378-S			524	524	2001, 2209(P), 2432,	C288
5379	151					
5380	151	233			235	
5381	151	271	521		152	C289
5381-S			521	521	1993, 1994, 1995, 2209(P), 2432	C289
5382	151					
5383	151	233, 277	355			C293
5383-S2			355	356	355, 2307, 2309, 2310, 2574	C293
5384	151	233	286			C105
5384-S			286	286	995, 1050(P), 1160	C105
5385	151	214	403	403	958, 1055(P), 1160	C106
5386	151	243				
5387	151					
5388	151					
5389	151	228				
5390	151	233				
5391	181					
5392	181					
5393	181					
5394	181					
5395	182	239, 277	452			
5395-S2			452, 453			
5395-S2.E				453	2942	
5396	182	233, 277	351		182	C250
5396-S2			351	351	1160, 1345(P), 1414	C250

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5397	182				187	
5398	182					
5399	182	228, 278	426			C309
5399-S2			427		427	C309
5399-S2.E				428	2077, 2078, 2252(P), 2432,	C309
5400	184					
5401	184	217, 271	402		218	C147
5401-S			402	402	1160, 1345(P), 1414	C147
5402	184					
5403	184	239	549			C190
5403-S			549	549	1413, 2233	C190
5404	184	234				
5405	184	240, 278	483			C310PV
5405-S			483			C310PV
5405-S.E				483	1160, 1345(P), 1414	C310PV
5406	184	278	401			
5406-S			401	401	2942	
5407	184					
5408	184	244	402			C290
5408-S			402, 403		402	C290
5408-S.E				403	1988, 2078, 2081, 2281(P), 2432,	C290
5409	184					
5410	184	244			569	
5411	184	234			235	
5412	187	240			187, 569	
5413	187					
5414	187					
5415	187					
5416	187					
5417	188	234, 278	439			
5417-S			439	440	2942	
5418	188					
5419	188					
5420	188	240, 278			241, 569	
5421	200	234				
5422	200					
5423	200	228	264			C247
5423-S			264	264	1995, 1996, 2209(P), 2432,	C247
5424	200					
5425	201	244	523			C107
5425-S			523	524	958, 1055(P), 1160	C107
5426	201					
5427	201	244			569	
5428	206	234			569	
5429	206					
5430	206	217	549	549	218, 1996, 1998, 1998, 2209(P), 2432	C248
5431	211	217, 266	347	347	958, 1055(P), 1160	C108
5432	212	234	293		235	C291
5432-S			294			C291
5432-S.E				295	1998, 2001, 2209(P), 2432,	C291
5433	212					
5434	212					

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5435	212					
5436	212	244			569	
5437	212					
5438	214					
5439	214	278	356			
5439-S			356			
5439-S.E				358	2943	
5440	214					
5441	214	240	429			
5441-S			429			
5441-S.E				429	2943	
5442	214					
5443	220					
5444	220	567			1417, 2941	
5445	220					
5446	228					
5447	228					
5448	235	279			569	
5449	235					
5450	235					
5451	235					
5452	235	279	521			C191
5452-S			521			C191
5452-S.E				522	1618, 2042(P), 2233,	C191
5453	235					
5454	236	279	542			C192
5454.E				543	1413, 2037(P), 2233	C192
5455	236					
5456	241					
5457	241					
5458	241					
5459	246					
5460	246	279	523			C193
5460-S			523	523	1413, 2037(P), 2233	C193
5461	252					
5462	260					
5463	271					
5464	280					
5465	280					
5466	293					
5467	344					
5468	360					
5469	399					
5470	399					
5471	441					
5472	469					
5473	557					
5474	569					
5475	582					
5476	590	1366	2019, 2032, 2033, 2035, 2036		1417, 2033, 036, 2600	C311PV
5476.E				2036	2488, 2501, 2575(P),	C311PV
5477	608					
5478	608	880	1128		608	C292
5478-S			1128			C292
5478-S.E				1128	2449, 2452, 2501(P),	C292

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					2600,	
5479	633					
5480	995					
5481	1037	1991				
5482	1038	1991				
5483	1038	1991				
5484	2042					
5485	2042					
5486	2184					
6027-S2 (2020)					2039, 2574	

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000	36				
8001	36				
8002	97	210			569
8003	184				
8004	188	244	404	404	2943
8005	1992				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8200	36				
8201	36				
8202	92				
8203	120				
8204	151	244			
8205	188				
8206	280				
8207	293				
8208	293				

HISTORY OF SENATE CONCURRENT RESOLUTIONS BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8400	36				36
8401	36		37		36, 37, 37, 103, 105,
8402	87		93	93	103, 105,
8403	1416				2941

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8600	Senate rules	18
8601	Senate emergency rules	21
8602	Women in Cloud	100
8603	Dr. Martin Luther King, Jr.	103
8604	Henrietta Lacks	185
8605	Future educators	185
8606	Civil rights/reconstruction	202
8607	Japanese American internment	267
8608	Betty Peace-Gladstone	565
8609	Lunar New Year	236
8610	AAP1 residents	603
8611	Steve K. Houle	346
8612	Washington & Taiwan	1038
8613	Kids in transition group	572
8614	Bill Wills	583
8615	James L. Gaudino	587
8617	Daffodil Festival	633
8618	Multiple system atrophy	586
8619	Michelle Reid	879
8620	Boundless Washington Fellows	920
8621	National Donate Life Month	996
8622	David Ward	959
8623	Senator John McCoy	1119
8624	Gonzaga men's basketball	2185
8625	Indian farmers/protest	1417
8626	Paul Shin	2234
8628	Al Bauer, Jr.	2575
8629		2939

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1001	236	468, 584	989	990	228, 1037, 1118(P)	C52
1007-S	120	564	629	629	117, 919, 920	C21
1009	307	580	959	959	293, 1037, 1118(P)	C53
1015-S2.E	562	604, 880			560, 2942	
1016-S	360	580, 880	1127	1127	346, 1414, 2019(P)	C295
1022	399	570	981	981	360, 626, 2099, 2299, 2432, 2433(P)	C149
1023	399	588	938	938	360, 1037, 1118(P)	C54
1028-S2	344	580	1345	1347	307, 2232, 2264, 2278(P)	C198
1030	538	567			504, 2942	
1031	360	580	981	981	346, 1037, 1118(P)	C55
1033-S2	486	573, 880	1366	1367	468, 1416	C116
1034	486	622	990, 992	992	486, 992, 1414, 2040	C117
1037-S	206	567	628	628	200, 919, 920	C22
1041-S.E	469	597			441, 1161, 2942	
1042	120	344	627	627	117, 627, 1414, 1416, 1417(P)	C23
1044-S2	360	567, 610	1136, 1141, 1142	1143	346, 1143, 1991, 2233, 2262(P)	C200
1049.E	151	567, 880	1328	1331	146, 569, 1331, 1416, 2040	C201
1050-S2.E	307	588, 880	1010	1020	293, 1020, 1414, 2040	C315
1052-S	152	566			146, 1161, 2942	
1054-S.E	399	573	983, 985, 986, 987, 988, 989	989	360, 985, 2303, 2574, 2575(P)	C320
1055	214	561	627	627	211, 919, 920	C24
1056-S.E	147	570			121, 2942	
1061-S2	399	561, 580, 880	996	996	360, 1160, 1345(P)	C56
1063	188	580	964	964	183, 560, 1037, 1118(P)	C57
1064-S	215	574	902	902	211, 919, 920	C25
1068-S.E	345	564	613	613	307, 919, 920	C26
1069-S2.E	360	574	1367	1368	346, 1416	C296PV
1070-S.E	361	567	629	630	346, 629, 919, 920	C27
1072	246	561	956	956	241, 1037, 1118(P)	C58
1073-S2.E	486	570, 881	1004	1005	468, 1005, 1416, 2040, 2040	C109
1074-S	207	580			200, 560, 2942	
1076-S2	504	574			504, 2942	
1078-S.E	399	564	590, 591, 592, 593, 594, 595	595	360, 591, 611, 612(P)	C10
1080-S	995		2310	2428	919, 995, 2301, 2600(P), 2600	C332
1083-S2.E	361	574	913	913	346, 919, 920	C28
1085-S	361	597	906	906	346, 919, 920	C29
1086-S2.E	441	581, 881	1006	1010	430, 560, 582, 1010, 1416, 2040	C202
1087	207	570	962	962	200, 1037, 1118(P)	C59
1088-S	236	468	550	551	228, 546, 551, 1416, 2040	C322
1089-S2.E	241	561, 604	1020, 1021	1021	241, 1020, 1414, 2040	C319
1090.E	307	567	630	630	293, 919, 920	C30
1091-S3.E	400	568, 879	1098, 1108, 1109, 1110, 1111	1111	360, 1110, 1111, 2301, 2433, 2596, 2940, 2941(P)	C317PV
1095-S	120	206	225	225	118, 241, 242	C4
1096	345	564, 604	970	970	307, 1037, 1118(P)	C60

HISTORY OF HOUSE BILLS

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1097-S.E	486	570	981, 982	982	486, 572, 1416, 2040	C253
1099-S2.E	504	597, 631			504, 2942	
1104	361	574	629	629	346, 919	C31
1105	441	574			430, 2942	
1107-S	441	568, 610	970	970	430, 970, 1416, 2040	C150
1108-S.E	188	568	889	896	183, 188, 895, 1414, 2040	C151
1109-S.E	361	574	613, 615	616	346, 615, 1414, 2040	C118
1113-S.E	486	597	1150	1150	468, 1414, 2019(P)	C119
1114-S	361	568	596	596	346, 611, 612(P)	C11
1115	469	568	912	913	441, 919, 920	C32
1117-S2.E	469	597, 881			441, 1161, 2942	
1119	246	574, 881	1128	1129	241, 1129, 1416, 2040	C152
1120-S.E	228	584	2119	2131	220, 2131, 2299, 2432, 2433(P)	C203
1121.E	152	214	247	247	146, 260(P), 260	C7
1122	361	597			346, 2942	
1124-S	207	564			200, 2942	
1127-S2	441	560, 604, 881	1183, 1187	1188	430, 1187, 1991, 2233, 2262(P)	Vetoed
1129-S	345	584	1174, 1176	1176	307, 1176, 1416, 2040	C204
1131.E	152	214	247	247	146, 260(P), 260	C8
1137-S	538	631	1035	1035	504, 918, 2600(P), 2600	C153
1139-S2.E	486	581, 881	1380	1383	486, 1991, 2233, 2262(P)	C154
1140-S.E	469	581, 882	1368, 1372	1372	441, 1161, 1372, 2040, 2233, 2262(P)	C328
1141-S.E	361	608			346, 918, 2942	
1143	345	604	1320	1320	307, 1414, 2019(P)	C110
1145-S	441	588	917	917	430, 919, 920	C33
1148-S2	361	597	959, 961	962	346, 961, 1037, 1118(P)	C61
1151-S	361	568, 584	596	596	346, 586, 611, 612(P)	C9
1152-S2.E	557	608, 882	1383, 1391, 1396	1397	557, 1391, 2040, 2233, 2262(P)	C205
1155-S	441	588	932, 933, 942, 943	943	430, 933, 942, 943, 1991, 2233, 2262(P)	C297
1157-S2	622				611, 2942	
1159	207	568	902	902	200, 919, 920	C34
1160-S2.E	400				360, 2942	
1161-S2	557	584	1383	1397	557, 1161, 1383, 1397, 1397, 1416	C155
1162-S	361				346, 2942	
1165	207	574			200, 2942	
1166-S	400	575, 882	1022	1022	360, 1160, 1345(P)	C62
1167	487	575, 882	996	996	468, 1160, 1345(P)	C63
1168-S2	562	605, 882	1143, 1149	1149	560, 1149, 2299, 2432, 2433(P)	C298
1170-S	562	605, 882	997	997	560, 1160, 1345(P)	C64
1171-S	207	344	907	907	200, 919, 920	C35
1172	362	605			346, 2942	
1173-S2	362	575, 883			346, 1161, 2942	
1176-S.E	345	584	962	964	307, 918, 963, 2040, 2233, 2262(P)	C120
1184-S.E	400	575	916	917	360, 1414, 2040	C156
1186-S2.E	487	588, 883	1372, 1379	1380	468, 1161, 1380, 2040, 2233, 2262(P)	C206
1189-S.E	487	575	933, 937	937	468, 937, 2432, 2433(P)	C207
1192.E	562	605	980	980	560, 1037, 1118(P)	C65
1193-S	307	588	913, 914	915	293, 914, 2040, 2233, 2262(P)	C299

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1194-S2.E	362	581, 883	997	1002	346, 1002, 2040, 2233, 2262(P)	C208
1196-S.E	345	609, 883	1337	1345	307, 1344, 2040, 2233, 2262(P)	C157
1197-S.E	487				486, 2942	
1198	246	631			241, 2942	
1199.E	260	561	628	628	252, 919, 920	C36
1206-S	307	570	617	617	293, 919, 920	C37
1207-S	487	631	964	969	468, 918, 969, 1416, 2040	C158
1208-S	400	570	1129, 1130	1135	360, 572, 1130, 1416, 2040, 2040	C111
1209-S	487	605	921	921	468, 1037, 1118(P)	C66
1210-S	538, 539	597			504, 1161, 2942	
1213-S2.E	562	598	1119		560, 1127, 2942	
1214-S.E	469	585	913	913	441, 919, 920	C38
1216-S2.E	442	575, 883	1119	1127	430, 1414, 2040, 2192(P)	C209
1218-S	307	598, 883	1165	1174	293, 1174, 2432, 2433(P)	C159
1219-S2	469	581, 884	1193	1198	441, 1198, 1991, 2233, 2262(P)	C210
1220-S2.E	487	605, 884	1351, 1357, 1363, 1365	1365	468, 1357, 1992, 2233, 2262(P)	C254PV
1221-S	308	575	956	956	293, 1037, 1118(P)	C67
1223-S	557	575, 635, 884	1312, 1315, 1316	1316	557, 1316, 1320, 1992, 2233, 2262(P)	C329
1225-S	400	581, 884	1029	1029	360, 1160, 1345(P)	C68
1226-S					566	
1227-S2.E	487	581, 884	1022, 1028	1029	486, 1028, 2040, 2233, 2262(P)	C211
1232-S.E	557	598, 884			557, 2942	
1236-S.E	557	575	943, 949, 955, 1042, 1048, 1049, 1050	1050	538, 949, 956, 1042, 1416, 2040, 2192(P)	C212
1237	207	581	618	618	200, 919, 920	C39
1241-S.E	558	598, 884			557, 2942	
1250-S	563	598	1150	1150	560, 1414, 2019(P)	C213
1251.E	308	631	1127	1127	293, 1414, 2019(P)	C121
1258-S2.E	563	605, 885			560, 1161, 2942	
1259-S	487	605, 885	1331	1331	468, 1161, 1414, 2019(P)	C160
1267-S.E	487	576, 885	1150, 1157, 1158	1159	468, 1158, 1992, 2233, 2261(P)	C318
1269-S	469	632	2036	2037	441, 2233, 2261(P)	C161
1271.E	400	571	1097	1097	360, 1414, 2019(P)	C122
1272-S2.E	362	609, 885	1161	1165	346, 1165, 1416, 2040, 2192(P)	C162
1273-S.E	362	581, 885	1182	1183	347, 1183, 1992, 2233, 2261(P)	C163
1274-S2.E	362	568	617	617	347, 919, 920	C40
1276-S	308	609	969	969	293, 918, 1037, 1118(P)	C69
1277-S2.E	622	1414	2478, 2481, 2482, 2484, 2486, 2487	2487	611, 1417, 2487, 2600(P), 2600	C214
1279-S	246	576, 886	1002, 1003	1003	241, 1003, 1992, 2039(P), 2039	C112
1280	563	588			560, 1161, 2942	
1287-S2.E	488	588, 886	1176, 1180	1181	468, 1181, 1992, 2233, 2261(P)	C300PV
1289	558	598	906	907	557, 907, 1416, 2040, 2192(P)	C123

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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1294-S	345	576	903	903	307, 919, 920	C41
1295-S2.E	400	564, 605	896	902	360, 902, 2040, 2233, 2261(P)	C164
1296	563	606	1350	1351	560, 1161, 1414, 2019(P)	C124
1297-S.E	563	576, 886	1397, 1399, 1400	1400	560, 1399, 1400, 2040, 2233, 2261(P)	C195
1301-S	488	632	1036	1036	468, 1160, 1345(P)	C70
1302-S	308	571	1036	1036	293, 1160, 1345(P)	C71
1309-S	345	568	917	917	307, 919, 920	C42
1310-S2.E	539	576, 886	1188, 1190, 1191, 1192, 1193	1193	504, 1190, 1192, 2099, 2305, 2574, 2575(P)	C324
1311.E	260	581	911	912	252, 912, 1414, 2040, 2192(P)	C165
1314-S	558	609	1336	1336	538, 566, 1414, 2019(P)	C125
1315	442	571	917	918	430, 919, 920	C43
1316	1038	1414	2131	2133	995, 1417, 2133, 2299, 2432, 2433(P)	C255
1320-S2.E	442	606, 886	1208, 1308, 1309	1309	430, 1308, 1309, 1992, 2233, 2261(P)	C215
1322-S	469	632	2597	2599	441, 2599, 2940, 2941(P)	C216
1323-S	308	609	1317, 1319	1320	293, 1319, 1992, 2040, 2040	C113
1325-S2	400	582, 886	1039	1039	360, 560, 1414, 2019(P)	C126
1326-S.E	539	589	903	906	504, 906, 1416, 2040, 2192(P)	C127
1328	558	598			557, 2942	
1329-S.E	401	598			360, 2942	
1330-S	563				560, 2942	
1331-S	345	589	938	938	307, 1037, 1118(P)	C72
1332-S.E	504	610	1332	1335	504, 1161, 1990(P), 1990	C73
1333-S	488	589			468, 2942	
1335-S2.E	488	606, 886	1029	1035	486, 1035, 2040, 2233, 2261(P)	C256
1336-S.E	308	606	1401, 1405, 1406, 1407, 1408, 1409	1409	293, 1372, 1409, 2574, 2575(P)	C294PV
1342.E	260	561, 606	969	969	252, 918, 1037, 1118(P)	C74
1348-S	401	606	1335	1336	360, 1161, 1335, 2042, 2432, 2433(P)	C166
1355-S	469	589, 887	1112, 1116	1117	441, 1117, 1414, 2040, 2192(P)	C217
1356-S	308	566, 606	992, 993	994	293, 994, 1414, 2040, 2192(P)	C128
1357-S	488				468, 2942	
1359-S2	362				347, 2942	
1363-S	362	571	1336	1336	347, 1161, 1414, 2019(P)	C129
1365-S2.E	442	571, 887	1320, 1321, 1323, 2278	1325, 2281	430, 1323, 2278, 2574, 2575(P),	C301
1367	188	206	225	225	183, 241, 242	C5
1368-S.E	188	206	220, 222, 223, 224	224	183, 221, 241, 242	C3
1370-S.E	558	607	1337	1337	557, 1161, 1414, 2019(P)	C130
1372-S.E	558	582	939	939	557, 1037, 1118(P)	C20
1373-S	362	599	908	908	347, 908, 1414, 2040, 2192(P)	C167
1376	504	589			504, 2942	
1378	308	566	630	630	293, 919, 920	C44

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1379-S	488	632	1094	1097	486, 1097, 1414, 2040, 2192(P)	C131
1382-S2.E	470	576, 887	1004	1004	441, 1160, 1345(P)	C75
1383-S	345	566	618	620	307, 620, 1414, 2040, 2040	C114
1386.E	470	576	1348, 1350	1350	441, 1350, 2261, 2262, 2432, 2433(P)	C218
1391-S	362				347, 2942	
1393	401	568	620	621	360, 919, 920	C45
1399	442	607	1207, 1208	1208	430, 1208, 1992, 2233, 2261(P)	C194
1409			1328			
1410-S.E	505	576	940	942	504, 942, 2299, 2432, 2433(P)	C257
1411-S	442	609	1198, 1205, 1206	1207	430, 918, 1206, 2432, 2433(P)	C219
1416-S	443	607	1401, 1410	1411	430, 1161, 1411, 2042, 2233, 2261(P)	C168
1418-S.E	558	887			538, 2942	
1423-S	443	589	1401	1401	430, 1161, 1416, 2192(P)	C132
1424-S	558	607	956	957	538, 1037, 1118(P)	C76
1425-S	362	577	909	911	347, 2099, 2233, 2261(P)	C133
1426-S.E	443	585	939	939	430, 1037, 1118(P)	C77
1430	401	607			360, 2942	
1437	470	561	628	628	441, 919, 920	C46
1438-S	488	577	1181	1182	486, 2262, 2262, 2432, 2433(P)	C220
1443-S.E	470	599	971	973	441, 973, 2040, 2233, 2261(P)	C169
1445-S	539	585	990	990	504, 918, 1037, 1118(P)	C78
1446-S	488	589	970	970	468, 1037, 1118(P)	C79
1453.E	488	599			468, 2942	
1455-S	345	571	1021	1022	307, 1160, 1345(P)	C80
1457-S.E	558	632	1310	1312	557, 1312, 2040, 2233, 2261(P)	C258
1469	308	571	920	920	293, 1037, 1118(P)	C81
1471.E	443	599	903	903	430, 919, 920	C47
1472-S	540	577	1380	1380	504, 1161, 1416, 2192(P)	C134
1476-S.E	558	635	1347	1348	557, 1348, 2262, 2574, 2575(P),	C221
1477-S2.E	582	609, 1416	2133, 2146, 2157, 2169, 2170, 2171, 2172	2172	579, 602, 1417, 2146, 2157, 2170, 2281, 2449, 2600(P), 2600,	C302
1478	308				293, 2942	
1480-S2.E	363	571	617	617	347, 919, 920	C48
1482.E	558	607	921	932	557, 932, 2299, 2432, 2433(P)	C222
1484-S	540	585	2037	2037	504, 1161, 2233, 2261(P)	C223
1491	363	561	621	621	347, 919, 920	C49
1492-S	345				307, 2942	
1493-S	345	572	938	938	307, 1037, 1118(P)	C82
1495	488	589	1097	1098	486, 1414, 2019(P)	Vetoed
1502-S	401	632	1367	1367	360, 918, 1416, 2192(P)	C224
1504-S2.E	488	577, 887	1325	1328	468, 1328, 1992, 2233, 2261(P)	C170
1508-S	363	577, 887			347, 1161, 2942	
1510-S	401				360, 2942	

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1512-S.E	563	607	2037	2037	560, 2233, 2261(P)	C225
1514-S	505	607, 888	1039	1041	504, 1041, 1416, 2040, 2192(P)	C135
1515-S.E	558				557, 2942	
1521-S.E	488	569, 611	994	994	468, 1037, 1118(P)	C83
1525	401	607	909	909	360, 919, 920	C50
1529-S.E	470	632	1093	1094	441, 1414, 2019(P)	C136
1532-S	995	1415	2038	2038	958, 1417, 2233, 2261(P)	C303
1546	995				958, 2942	
1777-S2.E			2170			
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Agriculture, Department of	<i>Electronic Cattle Transaction Reporting System, 2020 Report</i>	16.57.450 RCW	07/31/2020	
	<i>Livestock Identification Program</i>	16.57.460 RCW	09/01/2020	
	<i>Soil Health Initiative Biennial Progress Report for 2020</i>	15.145.020 RCW	10/01/2020	
	<i>Recommendations of the Pollinator Health Task Force - for Pollinator Health in Washington, 2020 Report</i>	Substitute Senate Bill No. 5552	11/01/2020	
Attorney General, Office of the	<i>Country of Origin Labeling Standards for Beef and Other Meat</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020	
	<i>Implementing Deadly Force Data Collection: Reforms Necessary to Ensure Full Reporting</i>	Engrossed Substitute House Bill No. 1109	06/30/2020	
	<i>Hate Crimes Advisory Working Group Report</i>	43.10.300 RCW	07/01/2020	
Auto Theft Prevention Authority, Washington	<i>Auto Theft Prevention Authority 2020 Annual Report</i>	Engrossed Third Substitute House Bill No. 1001	01/29/2021	
Beef Commission, Washington State	<i>Beef Commission 2019-20 Annual Report</i>	16.67.200 RCW	11/01/2020	
Board of Education	<i>Statewide Indicators of Education System Health, 2020 Summary Report and Recommendations</i>	28A.150.550 RCW	01/01/2021	
Board of Education and Professional Educator Standards Board	<i>Biennial Joint Report - 2020</i>	28A.305.035 RCW	12/01/2020	
Children, Youth, and Families, Department of	<i>Quarterly DCYF Social Services Specialists Report, April - June 2020</i>	Engrossed Substitute House Bill No. 1109	11/01/2020	
	<i>Quarterly DCYF Social Services Specialists Report, January - March 2020</i>	Engrossed Substitute House Bill No. 1109	07/01/2020	
	<i>Quality Assurance Report, July 1, 2018 - June 30, 2019</i>	74.13.260 RCW	07/01/2020	
	<i>Child Welfare Worker Training Improvement Plan</i>	Substitute Senate Bill No. 5955	06/01/2020	
	<i>Newborn Safe Surrender -- Information Collection 2009-2018</i>	13.34.360 RCW	07/09/2019	
	<i>Quarterly DCYF Social Services Specialists Report, October - December 2019</i>	Engrossed Substitute House Bill No. 1109	05/26/2020	
	<i>Behavioral Rehabilitation Services Semi-Annual Report, June 2020</i>	Engrossed Substitute House Bill No. 1109	06/01/2020	
	Commerce, Department of	<i>Affordable Housing Cost Data 2020</i>	Substitute House Bill No. 1102	11/19/2020
		<i>State Surplus Property Program, 2020 Annual Report of Inventory of State-Owned Real Properties and Recommendations</i>	43.63A.510 RCW	11/01/2020
<i>Criminal Penalty Fees Related to Sexual Exploitation Crimes, Fiscal Year 2020 Report</i>		43.280.100 RCW	12/01/2020	
<i>Affordable and Supportive Housing Tax Credit</i>		82.14.540 RCW	12/01/2020	
<i>Long-Term Care Ombuds Program Funding Model Recommendations</i>		Engrossed Substitute Senate Bill No. 6168	12/01/2020	
<i>Manufactured Housing Communities Workgroup Report</i>		Engrossed Substitute House Bill No. 1582	12/01/2020	
<i>Washington State Energy Strategy, 2021 Report</i>		43.21F.045 RCW	12/01/2020	
<i>Biennial Report of the Statewide Reentry Council</i>		43.380.050 RCW	12/01/2020	
<i>Retirement Marketplace, 2020 Biennial Report to the Legislature</i>		43.330.747 RCW	12/01/2020	
<i>Impact Fee Deferral Report, 2020 Report</i>		43.31.980 RCW	12/01/2020	
<i>Associate Development Organizations, 2019-2020 Report</i>	43.330.082 RCW	12/01/2020		

<i>Energy and Climate Policy Advisory Committee: Report on Clean Energy Fund Recommendations</i>	Senate Bill No. 5116	11/01/2020
<i>2020 Child Care Policy Recommendations: Modeling the Cost of Quality, Improving the Working Connections Subsidy Program & Supporting Workforce Compensation and Development</i>	43.330.527 RCW	12/01/2020
<i>Innovation Partnership Zone Program 2020 Biennial Report</i>	43.330.270 RCW	12/01/2020
<i>Community Economic Revitalization Board 2020 Biennial Legislative Report</i>	43.160 RCW	12/01/2020
<i>Community Economic Revitalization Board Rural Broadband Program 2020 Legislative Report</i>	Substitute House Bill No. 1102	12/01/2020
<i>Behavioral Health Facilities Report</i>	Substitute House Bill No. 1102	11/01/2020
<i>Financial Fraud and Identify Theft Investigation and Prosecution Program, 2019 Progress Report on Task Force and Recommendations</i>	43.330.300 RCW	12/31/2019
<i>Impact Fee Deferral Report, 2019 Report</i>	43.31.980 RCW	12/01/2019
<i>Human Trafficking Laws and Investigations, July 2017-June 2019</i>	43.280.095 RCW	12/31/2019
<i>Financial Feasibility Review of Skagit Regional Public Facilities District Improvements to McIntyre Hall Performing Arts & Conference Center</i>	35.57.025 RCW	04/29/2020
<i>Lead-Based Paint Program, Biennial Report, December 2019</i>	70.103.050 RCW	12/31/2019
<i>School District Inventory Data Assessment</i>	Substitute House Bill No. 1102	02/01/2020
<i>Child Care Industry Assessment</i>	43.330.529 RCW	08/01/2020
<i>Foreclosure Fairness Program Annual Report 2020</i>	61.24.163 RCW	08/04/2020
<i>Green Economy, Final Report</i>	Engrossed Substitute House Bill No. 1109	06/30/2020
<i>Bond Cap Allocation Program, 2020 Biennial Policy Report and Activity Summary</i>	39.86.190 RCW	06/30/2020
<i>SeaTac International Airport Operations Study</i>	Engrossed Substitute Senate Bill No. 6032	05/29/2020
<i>Developmental Disabilities Ombuds Program Annual Report SFY 2020</i>	Engrossed Second Substitute Senate Bill No. 6564	10/30/2020
<i>Foreclosure Fairness Program, 2020 Annual Report on Program Performance</i>	61.24.163 RCW	12/01/2020
<i>Building Communities Fund, 2020 Annual Report</i>	43.63A.125 RCW	12/01/2020
<i>Keep Washington Working, 2020 Annual Report from the Keep Washington Working Workgroup</i>	43.330.510 RCW	12/01/2020
<i>Landlord Mitigation Program 2020 Report</i>	43.31.605 RCW	12/01/2020
<i>Financial Fraud and Identity Theft Investigation and Prosecution Program, 2020 Progress Report on Task Force and Recommendations</i>	43.330.300 RCW	12/01/2020
<i>Prevention of Youth Homelessness, January 2021 Report</i>	Engrossed Substitute Senate Bill No. 6168	01/01/2021
<i>Skilled Worker Outreach, Recruitment and Career Awareness Grant Program, 2020 Report</i>	43.329.050 RCW	12/01/2020
<i>Motion Picture Competitiveness Program, 2020 Report</i>	43.365.040 RCW	12/01/2020
<i>Early Learning Facilities Report, December 2020 Progress Report</i>	43.31.583 RCW	12/31/2020
<i>State Broadband Office 2020 Report</i>	43.330.538 RCW	01/01/2021

Commercially Sexually Exploited Children Statewide Coordinating Committee	<i>Overview of Children's Advocacy Centers in Washington State</i>	7.68.802 RCW	06/01/2020
Community & Technical Colleges, State Board for (SBCTC)	<i>Community and Technical College Counselors Task Force Final Report</i>	Engrossed Substitute House Bill No. 1355	11/30/2020
Corrections, Department of	<i>Contracted Telecommunication and Electronic Media Services for Inmates in State Correctional Facilities</i>	Substitute Senate Bill No. 6476	02/01/2021
	<i>Staff Safety, 2020 Report</i>	72.09.680 RCW	12/01/2020
	<i>Electronic Health Records Request for Information, 2020 Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
County Road Administration Board, Washington State	<i>Emergency Loan Program Usage Program - Establishment to October 31, 2020</i>	36.78.130 RCW	11/17/2020
Courts, Administrative Office of the	<i>District and Municipal Court Judges' Association Annual Report for 2020</i>	3.70.040 RCW	12/24/2020
	<i>Family and Juvenile Court Improvement Program, 2020 Report</i>	2.56.230 RCW	01/01/2021
Ecology, Department of	<i>Greenhouse Gas Emissions Inventory 1990-2018</i>	70A.45.020 RCW	01/01/2021
	<i>Recycling Development Center, Report to the Legislature</i>	70A.240.030 RCW	01/01/2021
	<i>Average Time to Complete Final Environmental Impact Statements (EIS)</i>	43.21C.0311 RCW	12/01/2020
	<i>Columbia River Basin Water Supply Inventory Report, 2020</i>	90.90.040 RCW	01/01/2021
	<i>Safer Alternatives to PFAS in Food Packaging</i>	70A.222.070 RCW	02/01/2021
	<i>Per- and Polyfluoroalkyl Substances in Food Packaging Alternative Assessment</i>	70A.222.070 RCW	02/01/2021
	<i>Reducing Greenhouse Gas Emissions in Washington State Government</i>	House Bill No. 2311	03/01/2021
	<i>Yakima River Basin Integrated Water Resource Management Plan, 2020 Cost Estimate and Financing Plan</i>	90.38.120 RCW	03/01/2021
	<i>The Hydrofluorocarbon Transition: Background and Recommendations for Incentive-Based Policies and Programs</i>	Engrossed Second Substitute House Bill No. 1112	01/01/2021
	<i>Evaluation, Assessment, and Recommendations for the Responsible Management of Plastic Packaging in Washington</i>	70A.520 RCW	12/01/2020
	<i>Statewide Progress on Setting Instream Flows</i>	90.82.080 RCW	12/01/2020
	<i>Streamflow Restoration Law Update, Report to the Legislature</i>	90.94 RCW	12/01/2020
	<i>Walla Walla Pilot Local Water Management Program</i>	Second Substitute Senate Bill No. 5352	10/24/2020
	<i>Cannabis Science Task Force Recommendations: Laboratory Quality Standards for Pesticides in Cannabis Plants</i>	43.21A.735 RCW	06/01/2020
	<i>Water Power License Fees: Expenditures, Recommendations, Accountability, and Recognition, June 2020</i>	90.16.050 RCW	06/01/2020
	<i>Priority Consumer Products, Safer Products for Washington Implementation Phase 2</i>	70.365.030 RCW	07/01/2020
	<i>Yakima River Basin Integrated Water Resource Management Plan, Implementation Status Report 2019</i>	90.38.100 RCW	04/01/2020
Education, Washington State Board of	<i>Graduation Pathway Options, 2020 Report</i>	28A.655.260 RCW	08/01/2020

	<i>Mastery-based Learning, 2020 Report</i>	Engrossed Second Substitute House Bill No. 1599	12/01/2020
Employment Security Department	<i>2020 Labor Market and Economic Report</i>	50.38.040 RCW	03/01/2021
Enterprise Services, Department of	<i>Consolidated Print Management Strategy Status, July 1, 2019 - June 30, 2020</i>	39.26.010 RCW	02/01/2021
	<i>Energy Star Portfolio Manager Benchmarking Report, October 2018 - September 2020</i>	19.27A.190 RCW	03/01/2021
	<i>Biodiesel Use by Washington State Agency, January - December 2019</i>	43.19.646 RCW	02/01/2021
	<i>Products Containing Hydrofluorocarbons - Progress and Impact Report</i>	39.26.310 RCW	12/01/2020
	<i>2020 Language Access Providers Report</i>	39.26.300 RCW	12/01/2020
	<i>Small Business Participation State Purchasing Report, February 2021</i>	43.19.727 RCW	02/01/2021
Environmental Justice Task Force	<i>Recommendations for Prioritizing Environmental Justice in Washington State Government 2020</i>	Engrossed Substitute House Bill No. 1109	11/01/2020
Financial Management, Office of	<i>Pupil Transportation Allocation Study: How the State Funds K-12 Student Transportation</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Prioritizing Actions and Investments for Climate Resiliency in Washington</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>One Washington Quarterly Report, April - June 2020</i>	Substitute Senate Bill No. 5883	07/31/2020
	<i>Serve Washington: How State Government Can Better Invest in Volunteers</i>	Substitute Senate Bill No. 5265	07/01/2020
	<i>One Washington Quarterly Report, October - December 2020</i>	Substitute Senate Bill No. 5883	01/29/2021
	<i>Young Adults and Teenagers Who Are Disconnected From School and the Workforce in Washington</i>	Engrossed Substitute Senate Bill No. 6168	01/01/2021
Fish and Wildlife, Department of	<i>Elk Hoof Disease, 2020 Report</i>	Senate Bill No. 5474	12/31/2020
	<i>Fish Passage Barrier Statewide Removal Strategy Progress Report</i>	77.95.160 RCW	03/01/2021
	<i>Fish Passage Barrier Statewide Removal Strategy Progress Report</i>	77.95.160 RCW	11/01/2020
	<i>Elk Herd Management Pilot Project Summary Report</i>	77.36.190 RCW	10/31/2020
	<i>Eastern Washington Pheasant Enhancement Program Annual Report</i>	77.12.820 RCW	11/10/2020
	<i>Puget Sound Recreational Fisheries Enhancement Fund, 2020 Report</i>	77.105.160 RCW	12/18/2020
	<i>Puget Sound Recreational Fisheries Enhancement Fund, 2020 Report</i>	43.01.036 RCW	12/18/2020
	<i>Coastal Marine Resources Committees Program, 2020 Report to the Legislature</i>	36.125.060 RCW	12/01/2020
	<i>Derelict Shellfish Gear Removal and Disposal, 2020 Annual Report</i>	77.32.430 RCW	12/30/2020
	<i>Hunter and Fisher Compliance: Harvest Reporting and Administrative Penalties Report to the Legislature</i>	77.32.070 RCW	01/13/2021
	<i>Hatchery Improvement Master Plan - Southern Resident Killer Whale Prey Enhancement</i>	Engrossed Substitute Senate Bill No. 6168	01/01/2021
	<i>Implementing Initiative 1401: The Washington Animal Trafficking Act Report to the Legislature</i>	77.15.135 RCW	01/05/2021
	<i>Status of Rockfish Research and Conservation Programs: July 2018 through June 2020, 2018-2020 Report to the Legislature</i>	77.12.702 RCW	11/01/2020

Health Care Authority	<i>Inpatient Hospital Certified Public Expenditure Program, 2020 Report</i>	Engrossed Substitute Senate Bill No. 6168	11/01/2020
	<i>PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2020 Report</i>	41.05.065 RCW	11/30/2020
	<i>Employment Status of Apple Health Care Clients and Non-Client Individuals Who Are Apple Health Care Clients, Statewide Data for Calendar Year 2019</i>	Engrossed Substitute House Bill No. 3079	11/15/2020
	<i>Reimbursement: Hospitals Serving Medicaid Clients in Long Term Inpatient Beds: Revised Rate Methodology for 90- and 180-Day Civil Commitment Beds</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Access to Behavioral Health Services for Children, 2020 Report</i>	74.09.495 RCW	12/01/2020
	<i>Methods to secure doula reimbursement approval from CMS</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Enhancement for community based behavioral health services</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
	<i>Service Coordination and Managed Care Performance Measure Report, Accountability Implementation Status 2020</i>	70.320.050 RCW	12/01/2020
	<i>Survey of Peer Mental Health Programs</i>	Second Substitute House Bill No. 1394	12/01/2020
	<i>Proportion of Non-Participating Providers Serving Apple Health Enrollees, July 1, 2019 - June 30, 2020</i>	74.09.522 RCW	01/01/2021
	<i>Involuntary Treatment Act Work Group</i>	Second Engrossed Second Substitute Senate Bill No. 5720	01/01/2021
	<i>Children and Youth Behavioral Health Work Group Recommendations 2016-2020</i>	Second Substitute House Bill No. 2737	01/11/2021
	<i>Bree Collaborative Reproductive and Sexual Health Report</i>	Second Substitute Senate Bill No. 5602	12/15/2020
	<i>Behavioral Health Consultation and Referral Service</i>	Engrossed Second Substitute Senate Bill No. 5432	12/30/2020
	<i>Universal Health Care Work Group, Final Report to the Legislature</i>	Engrossed Substitute House Bill No. 1109	01/15/2021
	<i>Nursing home upper payment limit calculation and supplemental payment model</i>	Engrossed Substitute Senate Bill No. 6168	09/30/2020
	<i>Consolidation of PEBB and SEBB programs</i>	Engrossed Substitute House Bill No. 1109	11/15/2020
	<i>Bree Collaborative Annual Report for 2020</i>	Engrossed Substitute House Bill No. 1311	11/15/2020
	<i>Assisted Outpatient Treatment Pilot Program</i>	Engrossed Substitute House Bill No. 1109	10/15/2020
	<i>Tax Equity and Fiscal Responsibility Act (TEFRA) and Katie Beckett waivers</i>	Engrossed Substitute Senate Bill No. 6168	10/15/2020
	<i>Family Initiated Treatment expansion</i>	Engrossed Second Substitute House Bill No. 1874	11/01/2020
	<i>Child Health Services: Provider Performance</i>	74.09.475 RCW	09/30/2020
	<i>Enhancement for Community Based Behavioral Health Services</i>	Engrossed Substitute House Bill No. 1109	06/30/2020
	<i>Care Delivery and Cost Effective Treatment for Adults on 90- or 180-Day Civil Commitments</i>	Second Substitute House Bill No. 1394	08/28/2020
	<i>Continuum of Care for Youth and Adults with Developmental Disabilities</i>	Second Substitute House Bill No. 1394	07/01/2020

<i>All-Payer Health Care Claims Grants, January - June 2020 (no activity)</i>	43.371.080 RCW	10/01/2020
<i>Medicaid Managed Care Preventive Services and Vaccinations, 2020 Report</i>	Engrossed Substitute House Bill No. 1109	09/15/2020
<i>Public Employees Benefits Board Annual Reports, Customer Service Complaints and Appeals, January - December 2019</i>	41.05.630 RCW	09/30/2020
<i>Children's Health Insurance Program Coverage and Public Employees</i>	Engrossed Substitute Senate Bill No. 6168	10/15/2020
<i>Funding for Services in Institutions for Mental Diseases</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
<i>Diagnosis-Related Group High Outlier Claims</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
<i>Universal Health Care Work Group, May 2020 Update</i>	Engrossed Substitute House Bill No. 1109	05/01/2020
<i>Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for January - March 2020</i>	Substitute Senate Bill No. 5883	06/12/2020
<i>Medicaid Quality Improvement Program (MQIP), January - March 2020</i>	Engrossed Substitute Senate Bill No. 6168	05/01/2020
<i>Apple Health Dental Program</i>	Engrossed Substitute House Bill No. 1109	11/15/2019
<i>Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for July - September 2019</i>	Substitute Senate Bill No. 5883	12/03/2019
<i>Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for October - December 2019</i>	Substitute Senate Bill No. 5883	03/19/2020
<i>New Journeys: Coordinated Specialty Care for First Episode Psychosis -- Early Identification and Intervention for Psychosis Statewide Implementation Plan: Initial Status Report</i>	Second Substitute Senate Bill No. 5903	03/01/2020
<i>Apple Health Preferred Drug List: Implementing a Single, Standard Preferred Drug List for All Contracted Medicaid Fee-for-Service and Managed Care Health Systems: Final Report</i>	Substitute Senate Bill No. 5883	11/15/2019
<i>Pediatric Primary Care Provider Reimbursement</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
<i>Behavioral Health Services - Medicaid Rate Increases - Process Report</i>	Engrossed House Bill No. 2584	03/01/2021
<i>Managed Care Purchasing Arrangements for Prescription Drugs</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
<i>New Journeys: Coordinated Specialty Care For First Episode Psychosis</i>	Second Substitute Senate Bill No. 5903	01/01/2021
<i>Medicaid Transformation Project (MTP) Demonstration, Quarterly Report April 1 - June 30, 2020</i>	Substitute Senate Bill No. 5883	10/01/2020
<i>Medicaid Transformation Project (MTP) Demonstration, Quarterly Report July 1 - September 30, 2020</i>	Substitute Senate Bill No. 5883	12/01/2020
<i>Operation of Community Behavioral Health Service Delivery System</i>	71.24.420 RCW	12/01/2020
<i>Educational Service Districts' Employee Health Benefits</i>	Engrossed Substitute House Bill No. 2140	12/31/2020
<i>Language Access Providers Collective Bargaining Scope, February 2021 Report</i>	House Bill No. 2691	02/03/2021
<i>Evidence-Based Practice Institute, FY 2020 Annual Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
<i>Strategies For Enhancing Behavioral Health Workforce Development</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020

	<i>Medicaid Transformation Project Demonstration, Quarterly Report October 1 - December 31, 2020</i>	Substitute Senate Bill No. 5883	03/01/2021
Health Insurance Pool, Washington State (WSHIP)	<i>Annual Report for 2019</i>	48.41.240 RCW	05/01/2020
Health, Department of	<i>Safe Medication Return Program</i>	69.48.190 RCW	06/30/2020
	<i>Mental Health Providers Credential Renewals, 2020 Report</i>	18.225.800 RCW	11/09/2020
	<i>Improving Behavioral Health & Suicide Prevention in the Agricultural Industry: Pilot Program Results and Recommendations</i>	Second Substitute House Bill No. 2671	12/01/2020
	<i>Foundational Public Health Services: Progress Toward Full Funding and Implementation, Transformation and Better Health</i>	43.70.515 RCW	10/01/2020
	<i>Pharmacist Suicide Prevention Awareness Survey</i>	Engrossed Substitute Senate Bill No. 6168	11/01/2020
	<i>Colon Hydrotherapy</i>	Engrossed Substitute Senate Bill No. 6168	10/01/2020
	<i>Report on the Status of Consultations 2020</i>	43.06.468 RCW	12/01/2020
	<i>Opioid Misuse Awareness Public Radio Campaign Preliminary Report, December 2020</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
	<i>Nurse Staffing Report 2020</i>	70.41.425 RCW	12/31/2020
	<i>Recommendations for a Uniform Facility Enforcement Act, 2020 Report</i>	43.70.800 RCW	12/31/2020
	<i>Child Profile Health Promotion System, 2020 Report</i>	Engrossed Substitute Senate Bill No. 6168	12/31/2020
Housing Finance Commission	<i>Affordable Housing Cost Data Report 2020</i>	Substitute House Bill No. 1102	12/01/2020
Improving Institutional Education Programs and Outcomes Task Force	<i>Report to the Legislature 2020</i>	Engrossed Substitute House Bill No. 2116	12/01/2020
Insurance Commissioner, Office of the	<i>Direct Practices in Washington State, 2020 Report</i>	48.150.100 RCW	12/01/2020
	<i>Fire Alarm and Smoke Detection Rate Discounts for Residences; Insurance Company Survey</i>	Engrossed Second Substitute Senate Bill No. 5284	12/22/2020
	<i>Health Plan Prior Authorization Data, 2020 Report</i>	48.43.0161 RCW	01/01/2021
	<i>Health Plan Prior Authorization Data, 2020 Report</i>	Engrossed Substitute Senate Bill No. 6404	01/01/2021
	<i>Individual Market Health Plans, Plan Year 2021</i>	Engrossed Substitute Senate Bill No. 5526	12/22/2020
	<i>Mandated Health Benefits Report, 2021 Plan Year</i>	48.43.715 RCW	12/15/2020
	<i>Washington Disaster Resiliency Work Group Final Report</i>	Senate Bill No. 5106	11/30/2020
	<i>Fixed-Payment Benefit Plans Annual Report for 2020</i>	48.43.650 RCW	05/20/2020
	<i>Medical Malpractice Statistical Summary for 2019, Report for Claims Closed from January 1 through December 15, 2019</i>	48.140.050 RCW	06/01/2020
	<i>Bree Collaborative's 2019 Palliative Care Report</i>	Engrossed Substitute Senate Bill No. 6168	11/01/2020
	<i>Palliative Care Report Letter</i>	Engrossed Substitute Senate Bill No. 6168	11/01/2020
	<i>Palliative Care Letter</i>	Engrossed Substitute Senate Bill No. 6168	06/18/2020

	<i>OIC Palliative Care Survey Questions</i>	Engrossed Substitute Senate Bill No. 6168	08/07/2020
	<i>Medical Malpractice Claims Data - Statistical Summaries and Annual Report Update</i>	Second Substitute House Bill No. 2292	03/01/2021
	<i>Balanced Billing Protection Act Arbitration Proceedings</i>	Second Substitute House Bill No. 1065	07/01/2020
Labor and Industries, Department of	<i>Janitorial Workload Study Progress Report</i>	Engrossed Substitute Senate Bill No. 6032	06/01/2020
	<i>Adult Entertainer Advisory Committee Report 2020</i>	49.17.470 RCW	11/01/2020
	<i>Office of the Ombuds for Injured Workers of Self-Insured Employers, July 2019 - June 2020</i>	51.14.400 RCW	09/01/2020
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	<i>Interruptive Military Service Credit Study</i>	Substitute House Bill No. 2544	12/16/2020
	<i>King County EMT Study 2020</i>	Engrossed Substitute Senate Bill No. 6168	12/16/2020
Military Department	<i>2020 Report to the Legislature</i>	38.52.073 RCW	12/01/2020
	<i>911 Cost Study; Interim Summary Report to the Legislature</i>	Engrossed Substitute House Bill No. 1109	11/01/2020
	<i>911 Cost Study; Report to the Legislature</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
	<i>Enhanced 911 Advisory Committee 2020 Annual Legislative Update</i>	38.52.532 RCW	01/01/2021
	<i>911 Cost Study Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
Natural Resources, Department of	<i>Wildfire Proviso Volume 2 Report</i>	Engrossed Substitute Senate Bill No. 6168	03/01/2021
	<i>Wildfire Proviso Volume 1 Report</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Emergency Fire Suppression Report for January 2021</i>	Engrossed Substitute Senate Bill No. 6168	03/01/2021
	<i>Small Forest Landowner Demographic Report 2021</i>	Engrossed Substitute Senate Bill No. 5330	03/01/2021
	<i>Emergency Fire Suppression Report for February 2021</i>	Engrossed Substitute Senate Bill No. 6168	04/01/2021
	<i>Emergency Fire Suppression, Monthly Report for September 2020</i>	Engrossed Substitute Senate Bill No. 6168	11/09/2020
	<i>Emergency Fire Suppression, Monthly Report for June 2020</i>	Engrossed Substitute Senate Bill No. 6168	08/27/2020
	<i>Electric Utility Wildland Fire Prevention Task Force, request for extension to submit final report</i>	Substitute Senate Bill No. 5305	10/06/2020
	<i>Forest Practices Adaptive Management Program</i>	Engrossed Substitute House Bill No. 1109	10/01/2020
	<i>Emergency Fire Suppression, Monthly Report for August 2020</i>	Engrossed Substitute Senate Bill No. 6168	10/16/2020
	<i>Emergency Fire Suppression, Monthly Report for July 2020</i>	Engrossed Substitute Senate Bill No. 6168	10/16/2020
	<i>Emergency Fire Suppression, Monthly Report for May 2020</i>	Engrossed Substitute Senate Bill No. 6168	08/08/2020
	<i>Commercial Real Estate: Diversified Sources of Revenue for State Trust Land Beneficiaries, File 1</i>	Engrossed Substitute Senate Bill No. 6168	06/18/2020
	<i>Commercial Real Estate: Diversified Sources of Revenue for State Trust Land Beneficiaries, File 2</i>	Engrossed Substitute Senate Bill No. 6168	06/18/2020
	<i>Emergency Fire Suppression, Monthly Report for April 2020</i>	Engrossed Substitute Senate Bill No. 6168	06/03/2020

	<i>Trust Lands Performance Assessment Project: Charting a Course for the Future, Legislative Report</i>	Engrossed Substitute Senate Bill No. 6095	01/01/2021
	<i>Electric Utilities: Wildland Fire Prevention Task Force - Final Report 2020</i>	Substitute Senate Bill No. 5305	12/31/2020
	<i>Emergency Fire Suppression Report for October 2021</i>	Engrossed Substitute Senate Bill No. 6168	12/17/2020
	<i>Zero-Based Budget and Performance Review of its Resource Protection Program and the Wildfire Program Operating Budget and Activities</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Forest Health Treatment Prioritization and Implementation on State Trust Lands in Eastern Washington</i>	Engrossed Second Substitute House Bill No. 1711	12/01/2020
	<i>Forest Health Assessment and Treatment Framework</i>	Second Substitute House Bill No. 1784 76.06.200 RCW	12/01/2020
	<i>Summary of Natural and Working Lands Carbon Inventories and Incentive Programs in Washington</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
	<i>Wildfire Season Summary 2020</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
	<i>Trust Lands Performance Assessment: Update and Key Findings, 2020 Report</i>	Substitute House Bill No. 1102	11/19/2020
	<i>Trust Lands Performance Assessment Letter</i>	Engrossed Substitute Senate Bill No. 6095	11/20/2020
Noxious Weed Control Board, Washington State	<i>Pollinator Forage Report</i>	Engrossed House Bill No. 2478	10/01/2020
Nursing Care Quality Assurance Commission	<i>Long-term Care Workforce Development Progress Report</i>	Engrossed Substitute House Bill No. 1109	10/05/2020
Office of Equity Task Force	<i>Office of Equity Task Force Final Proposal</i>	Engrossed Substitute House Bill No. 1109	07/01/2020
	<i>Office of Equity Task Force Final Proposal Appendices</i>	Engrossed Substitute House Bill No. 1109	07/01/2020
Pacific Northwest University of Health Sciences	<i>Student Loan Information Compliance Report for June 2020</i>	Substitute Senate Bill No. 5022	06/08/2020
	<i>Student Loan Information Compliance Report for December 2020</i>	Substitute Senate Bill No. 5022	12/07/2020
Pension Policy, Select Committee on	<i>Interruptive Military Service Credit Study</i>	Substitute House Bill No. 2544	12/15/2020
	<i>Study of Administrative Practices under Chapter 41.54 RCW</i>	Engrossed Substitute Senate Bill No. 6168	12/15/2020
Pollution Liability Insurance Agency	<i>Underground Storage Tank Revolving Loan and Grant Program, 2017-2019 Biennium Report</i>	70A.345.090 RCW	09/01/2020
Professional Educator Collaborative	<i>Preliminary Report to the Washington Legislature</i>	Engrossed Second Substitute House Bill No. 1139	11/01/2020
Public Health, Seattle and King County	<i>Community Health and Airport Operations Related Noise and Air Pollution Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
Public Instruction, Office of the Superintendent of	<i>180-Day Waivers for the 2019-20 School Year</i>	28A.300.760 RCW	01/01/2021
	<i>UPDATE: Transitional Bilingual Instruction Program (TBIP) 2021</i>	28A.180.020 RCW	04/01/2021
	<i>Temperance and Good Citizenship Day - Voter Registration 2021</i>	28A.230.150 RCW	04/01/2021
	<i>Graduation Pathways Snapshot, Class of 2020</i>	28A.655.260 RCW	01/01/2021
	<i>Update: Career and Technical Course Equivalencies, 2020 Report</i>	28A.300.236 RCW	01/01/2021

	<i>Monitoring and Data Collection: School Safety Programs</i>	28A.300.645 RCW	01/01/2021
	<i>School Safety and Student Well-Being Advisory Committee, 2020 Report</i>	28A.300.635 RCW	01/01/2021
	<i>School Resource Officer Program, Training, and Grants, 2020 Report</i>	28A.300.650 RCW	01/01/2021
Public Works Board	<i>Public Works Board, Fiscal Year 2020 Infrastructure Loans and Grants</i>	43.155.070 RCW	09/01/2020
Puget Sound Regional Council	<i>Transit Integration Report for 2020</i>	47.66.110 RCW	11/01/2020
	<i>Puget Sound Passenger-Only Ferry Study</i>	Engrossed Substitute House Bill No. 1160	01/01/2021
Real Estate Research, Washington Center for	<i>Housing Market Data Toolkit</i>	36.70A.610 RCW	10/15/2020
Revenue, Department of	<i>Improvements to Single-Family Dwellings Exemption Review, 2020 Report</i>	Second Substitute Senate Bill No. 6231	11/04/2020
	<i>Hospital Benefit Zone Financing Program Report, 2020 Report covering Calendar Year 2019</i>	82.14.470 RCW	05/18/2020
	<i>Local Revitalization Financing Program Report, 2020 Report covering Calendar Year 2019</i>	82.32.765 RCW	05/27/2020
	<i>Report of Payments in Lieu of Property Tax on Certain Public Utility District Broadband Network Property</i>	Engrossed Substitute Senate Bill No. 6034	11/17/2020
	<i>Report on the Status of Consultations 2020</i>	43.06.468 RCW	12/01/2020
	<i>Washington Action Plan: FAA Policy Concerning Airport Revenue 2021 Update</i>	Engrossed Substitute Senate Bill No. 6168	01/11/2021
	<i>State Agency Business Licensing Information for 2020 Updated Appendix</i>	19.02.055 RCW	01/01/2021
	<i>Local Business Licensing Progress Report, 2020</i>	35.90.020 RCW	12/22/2020
	<i>State Agency Business Licensing Information for 2020</i>	19.02.055 RCW	12/22/2020
	<i>State Agency Business Licensing Information for 2020 Appendix</i>	19.02.055 RCW	12/22/2020
	<i>Tribal Compacting Report, 2021 Report to the Legislature</i>	Engrossed Substitute Senate Bill No. 6168	12/22/2020
	<i>Descriptive Statistics for Tax Incentive Programs, Covering Calendar Year 2019 Activity</i>	82.32.534 RCW	12/22/2020
Salmon Recovery, Governor's Office of	<i>State of Salmon in Watersheds, 2020 Executive Summary</i>	77.85.020 RCW	12/01/2020
Sexual Assault Coordinated Community Response Task Force	<i>2020 Preliminary Report</i>	Substitute Senate Bill No. 6158	12/01/2020
Sexual Assault Forensic Examination Best Practices Task Force	<i>2020 Annual Report to the Legislature and Governor</i>	Second Substitute House Bill No. 1166	12/01/2020
Sheriffs and Police Chiefs, Washington Association of	<i>Mental Health Field Response Teams Grant Program, 2020 Report</i>	House Bill No. 2892	11/30/2020
	<i>Washington State Sexual Assault Kit Initiative Project, 2020 Report</i>	36.28A.430 RCW	11/30/2020
	<i>Arrest and Jail Alternatives -- Law Enforcement Grant Program, 2020 Report</i>	Second Substitute House Bill No. 1767	11/30/2020
	<i>Racial Profiling Progress Report 2020</i>	43.101 RCW	12/03/2020
	<i>Washington State Denied Firearms Transaction Program, 2020 Annual Report</i>	Substitute House Bill No. 1501 43.43.823 RCW	12/15/2020
	<i>Washington State Registered Sex and Kidnapping Offender Address and Residency</i>	36.28A.230 RCW	12/15/2020

	<i>Verification Grant Program, 2020 Annual Report</i>		
	<i>Eyewitness Evidence, Final Report to the Legislative Work Group on Guidelines for the Collection of Eyewitness Evidence and Recommendations for Law Enforcement Training</i>	Substitute Senate Bill No. 5714	04/19/2020
Social & Health Services, Department of	<i>Refugee and Immigrant Employment Services, 2019 Report</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>Federal Assistance Options for Washington College Grant Recipients</i>	Second Substitute House Bill No. 1893	01/01/2020
	<i>Five-Year Plan to Reduce Intergenerational Poverty and Promote Self-Sufficiency</i>	74.08A.505 RCW	12/01/2019
	<i>WorkFirst Wage Progression Report through First Quarter 2019</i>	74.08A.411 RCW	01/01/2020
	<i>State Hospital Staffing Levels Compared to Allotments October - December 2019</i>	Engrossed Substitute House Bill No. 1109	04/01/2020
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, July - September 2019</i>	Engrossed Substitute House Bill No. 1109	04/01/2020
	<i>WorkFirst Wage Progression Report through Second Quarter 2019</i>	74.08A.411 RCW	04/01/2020
	<i>State Hospital Staffing Levels Compared to Allotments January - March 2020</i>	Engrossed Substitute House Bill No. 1109	07/01/2020
	<i>State Hospital Joint Nurse Staffing Committee Staffing Model, 2019</i>	Engrossed Substitute House Bill No. 1109	01/29/2019
	<i>Eastern State Hospital Staffing Status Report for Fiscal Year 2020</i>	Engrossed Substitute House Bill No. 1109	08/01/2020
	<i>Department Efforts to Reduce Violence in the State Hospitals, September 2020</i>	72.23.451 RCW	09/01/2020
	<i>Assisted Living Facility Quality Measures, 2020 Report</i>	18.20.510 RCW	09/01/2020
	<i>WorkFirst Spending Plan Monitoring Report, 3rd Quarter State Fiscal Year 2020, as of March 31, 2020</i>	74.08A.341 RCW	04/30/2020
	<i>WorkFirst Spending Plan Monitoring Report, as of March 31, 2020, Spreadsheet</i>	74.08A.341 RCW	04/30/2020
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, October - December 2019</i>	Engrossed Substitute Senate Bill No. 6168	07/01/2020
	<i>WorkFirst Wage Progression Report through Third Quarter 2019</i>	74.08A.411 RCW	07/01/2020
	<i>Adult Family Home Training Network, Report to the Legislature</i>	Second Substitute Senate Bill No. 5672	12/01/2020
	<i>Washington Connection Benefit Portal 2020 Report</i>	74.04.225 RCW	12/01/2020
	<i>Basic Food Employment and Training Program (BFET) Expansion, 2020 Report</i>	74.04.535 RCW	11/01/2020
	<i>WorkFirst Spending Plan Monitoring Report, 4th Quarter State Fiscal Year 2020, as of June 30, 2020</i>	74.08A.341 RCW	07/31/2020
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, January - March 2020</i>	Engrossed Substitute Senate Bill No. 6168	10/01/2020
	<i>Individual Provider Overtime Annual Expenditures, Fiscal Year 2020 Report</i>	74.39A.275 RCW	09/01/2020
	<i>WorkFirst Wage Progression Report through Fourth Quarter 2019</i>	74.08A.411 RCW	10/01/2020
	<i>State Hospital Staffing Levels Compared to Allotments April - June 2020</i>	Engrossed Substitute House Bill No. 1109	10/01/2020
	<i>Forensic Admissions and Evaluations - Performance Targets 2020 First Quarter (January 1, 2020 - March 31, 2020)</i>	10.77.068 RCW	12/01/2020

<i>Enhanced Respite Services for Children Ages 8-21</i>	Engrossed Substitute House Bill No. 1109	01/01/2021
<i>Community Respite Services for Adults</i>	Engrossed Substitute House Bill No. 1109	01/01/2021
<i>Personal Care in Homeless Shelter Pilot Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020
<i>Language Access Providers</i>	House Bill No. 2691	12/01/2020
<i>Traumatic Brain Injury Statewide Comprehensive Plan SFY 2022-2023</i>	74.31.020 RCW	01/15/2021
<i>Forensic Admissions and Evaluations - Performance Targets 2019 Fourth Quarter (October 1, 2019 - December 31, 2019)</i>	10.77.068 RCW	02/29/2020
<i>Forensic Admissions and Evaluations - Performance Targets 2019 Third Quarter (July 1, 2019 - September 30, 2019)</i>	10.77.068 RCW	01/01/2021
<i>Western State Hospital - City of Lakewood Community Policing Program</i>	Engrossed Substitute Senate Bill No. 6168	12/01/2020
<i>Long-Term Services and Supports Trust Commission Recommendations Report</i>	50B.04.030 RCW	01/01/2021
<i>Examining Temporary Assistance for Needy Families; Time Limit and Sanction Data, Disaggregated by Race and Ethnicity</i>	74.08A.265 RCW	12/31/2020
<i>Comprehensive Study of the WorkFirst Transportation Pilot</i>	Engrossed Substitute House Bill No. 1109	11/01/2020
<i>WorkFirst Spending Plan Monitoring Report, 1st Quarter State Fiscal Year 2021, as of September 30, 2020</i>	74.08A.341 RCW	12/01/2020
<i>Nursing Facility Rates/Costs Comparison Report</i>	74.46.561 RCW	12/01/2020
<i>Preliminary Implementation Plan, Regarding Residential Habilitation Centers, December 2019 Report</i>	Engrossed Substitute Senate Bill No. 6419	01/26/2021
<i>Violations, Penalties and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2020 Report</i>	71.09.325 RCW	12/31/2020
<i>Forensic Admissions and Evaluations - Performance Targets 2020 Third Quarter (July 1, 2020-September 30, 2020)</i>	Substitute Senate Bill No. 6492 10.77.068 RCW	01/01/2021
<i>Timeliness of Services Related to Competency to Proceed or Stand Trial 2019 Annual Report</i>	Substitute Senate Bill No. 6492	12/01/2019
<i>WorkFirst Maintenance of Effort and Work Participation Rate, April - June 2020</i>	Engrossed Substitute Senate Bill No. 6168	01/01/2021
<i>Forensic Admissions and Evaluations - Performance Targets 2020 Second Quarter (April 1, 2020-June 30, 2020)</i>	10.77.068 RCW	10/01/2020
<i>WorkFirst Spending Plan Monitoring Report, 2019-21, 2nd Quarter Report State Fiscal Year 2021</i>	74.08A.341 RCW	12/31/2020
<i>Forensic Admissions & Evaluations, 2020 Annual Report</i>	Substitute Senate Bill No. 6492	12/01/2020
<i>WorkFirst Wage Progression Report, FY2020, 1st Quarter</i>	74.08A.411 RCW	01/01/2021
<i>Staffing Levels Compared to Allotments, 1st Quarter Report State Fiscal Year 2021</i>	Engrossed Substitute House Bill No. 1109	01/01/2021
<i>Staffing Levels Compared to Allotments, 2nd Quarter Report State Fiscal Year 2021</i>	Engrossed Substitute House Bill No. 1109	04/01/2021
<i>State Hospital Performance Report, 2020 Annual Report</i>	Engrossed Substitute Senate Bill No. 6168	11/01/2020
<i>Improving Patient and Staff Safety in State Hospitals - Status Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2020

Transportation, Department of	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 63 Months of Operations, October - December 2020</i>	47.56.880 RCW	04/01/2021
	<i>Tort Judgments and Settlements Pertaining to WSF and non-WSF Operations, FY2021, Quarter 3</i>	Engrossed Substitute House Bill No. 1160	04/01/2021
	<i>Toll Division Proviso Report, FY2021, 2nd Quarter</i>	Engrossed Substitute House Bill No. 1160	04/01/2021
	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 60 Months of Operations, July - September 2020</i>	47.56.880 RCW	12/01/2020
	<i>Recycled Concrete Usage in Aggregate Materials, 2020 Annual Report</i>	Engrossed Substitute House Bill No. 1695	03/01/2021
	<i>Fund Transfers Letter, 2020, Quarter 4</i>	Engrossed Substitute House Bill No. 2322	02/16/2021
	<i>Fund Transfers Letter, October 1 - December 31, 2020, Q4</i>	Engrossed Substitute House Bill No. 2322	02/16/2021
	<i>Local Governments Determination on Permits, October 2018 - October 2019</i>	47.01.485 RCW	02/01/2020
	<i>Violations of Environmental Permits and Regulations for State Transportation Projects, 2019 Report</i>	47.85.040 RCW	02/01/2021
	<i>Diesel Fuel Price Hedging, Fiscal Year 2020</i>	47.60.830 RCW	02/01/2021
	<i>Regional Mobility Grant Program 2021-2023 Prioritized List of Projects</i>	47.66.030 RCW	01/01/2021
	<i>Tort Judgments and Settlements Pertaining to WSF and non-WSF Operations, FY21, Quarter 2</i>	Engrossed Substitute House Bill No. 1160	02/01/2021
	<i>Public Transportation Mobility Report for 2020</i>	47.66 RCW	12/01/2020
	<i>Transit Integration Report for 2020, Puget Sound Regional Council</i>	35.58.2796 RCW	11/01/2020
	<i>Interstate Bridge Replacement Program, Conceptual Financial Plan</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
	<i>Interstate Bridge Replacement Program, December 2020 Progress Report</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
	<i>Allotment Modification Report</i>	Engrossed Substitute House Bill No. 2322	11/23/2020
	<i>Surety Bonding Accessibility Study: OMWBE and HUB Contractors</i>	Engrossed Substitute Senate Bill No. 6168	10/01/2020
	<i>Washington Electric Aircraft Feasibility Study</i>	Engrossed Substitute House Bill No. 2322	11/01/2020
	<i>Pre-Apprentice Support Services and On-the-Job Training Support Services Program, 2020 Report</i>	47.01.435 RCW	11/01/2020
	<i>Public Transportation, 2019 Summary</i>	35.58.2796 RCW	11/01/2020
	<i>Select Appropriations - Toll Division Allocation Analysis</i>	Engrossed Substitute House Bill No. 2322	11/24/2020
	<i>Stakeholder Recommendations for a Washington State Freight Advisory Committee</i>	Engrossed Substitute House Bill No. 2322	12/01/2020
	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 57 Months of Operations, April - June 2020</i>	47.56.880 RCW	11/01/2020
	<i>Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 5</i>	Engrossed Substitute House Bill No. 2322	11/25/2020
	<i>Fund Transfers Report (TPA and Connecting Washington Accounts), July - September 2020</i>	Engrossed Substitute House Bill No. 2322	11/25/2020
	<i>Fund Transfers Report, July - September 2020</i>	Engrossed Substitute House Bill No. 2322	11/25/2020
	<i>Safety Rest Area Free Coffee Program Report</i>	Engrossed Substitute House Bill No. 1160	11/01/2020

<i>Pedestrian and Bicyclist Program and Safe Routes to Schools Program, 2021-2023 Prioritized Project List and Program Update Document</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
<i>Cascadia Ultra High Speed Ground Transportation: Framework for the Future Final Report</i>	Engrossed Substitute House Bill No. 2322	12/01/2020
<i>Toll Division Proviso Report, July - September 2020</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
<i>Studded-Tire Damage Public Information Campaign Report</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
<i>Pre-Apprentice Support Services Program, 2015 - 2020 Summary Report</i>	47.01.435 RCW	01/01/2021
<i>Pre-Apprentice Support Services Program, 2015 - 2020 Summary Report</i>	47.01.435 RCW	01/01/2021
<i>Select Appropriations - Toll Division Allocation Analysis FY 2021</i>	Engrossed Substitute House Bill No. 2322	12/30/2020
<i>Washington State Ferries: System Electrification Plan</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
<i>Washington State Ferries: System Electrification Plan Appendices</i>	Engrossed Substitute House Bill No. 1160	12/01/2020
<i>Ferries Division - Fiscal Year 2020 Performance Report</i>	47.64.360 RCW	12/01/2020
<i>Cooper Jones Active Transportation Safety Advisory Council 2020 Annual Report</i>	43.59.156 RCW	11/30/2020
<i>Commercial Aviation Coordinating Commission 2020 Report</i>	Substitute Senate Bill No. 5370	12/01/2020
<i>Performance-based Project Evaluation Feasibility Report</i>	Engrossed Substitute House Bill No. 2322	12/01/2020
<i>Practical Design Savings on Connecting Washington Funded Projects, December 2020</i>	47.01.480 RCW	12/22/2020
<i>Toll Division Proviso Report, April - June 2020</i>	Engrossed Substitute House Bill No. 1160	09/01/2020
<i>Fund Transfers Report (TPA and Connecting Washington Accounts), April - June 2020</i>	Engrossed Substitute House Bill No. 2322	08/20/2020
<i>Fund Transfers Report, April - June 2020</i>	Engrossed Substitute House Bill No. 2322	08/20/2020
<i>Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, April - June 2020</i>	Engrossed Substitute House Bill No. 1160	08/01/2020
<i>Surplus Property in South King County</i>	Engrossed Substitute House Bill No. 1160	09/30/2020
<i>2020 Biennial Transportation Attainment Report</i>	47.04.285 RCW	10/01/2020
<i>Construction Program Business Plan Biennial Progress Report, September 2020</i>	47.01.495 RCW	09/30/2020
<i>Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 4</i>	Engrossed Substitute House Bill No. 2322	10/09/2020
<i>Fish Passage Barrier Statewide Removal Strategy Progress Report</i>	77.95.160 RCW	11/01/2020
<i>Freight Rail Assistance Program/Freight Rail Investment Bank Project Lists for 2021-2023</i>	Engrossed Substitute House Bill No. 2322	11/01/2020
<i>Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, July - September 2020</i>	Engrossed Substitute House Bill No. 1160	11/01/2020
<i>Transit, Bicycle & Pedestrian Expenditure Report FY 2020</i>	Engrossed Substitute House Bill No. 2322	11/15/2020
<i>Green Transportation Capital Grant Program Prioritized Project List 2021-2023</i>	Engrossed Second Substitute House Bill No. 2042	12/01/2020

	<i>Toll Division Proviso Report, January - March 2020</i>	Engrossed Substitute House Bill No. 1160	06/01/2020
	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 54 Months of Operations, January - March 2020</i>	47.56.880 RCW	06/01/2020
	<i>Rail Fixed Guideway Public Transportation System Safety Report for 2019</i>	81.104.115 RCW	06/01/2020
	<i>Practical Design Savings on Connecting Washington Funded Projects, July 2020</i>	47.01.480 RCW	07/01/2020
	<i>Project Delivery Status Report, through March 2020</i>	Engrossed Substitute House Bill No. 2322	05/15/2020
	<i>Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 3</i>	Engrossed Substitute House Bill No. 2322	05/15/2020
	<i>SR 518 - SR 509 to I-5 -- Corridor Planning Study</i>	Engrossed Substitute House Bill No. 1160	05/01/2020
	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 51 Months of Operations, October - December 2019</i>	47.56.880 RCW	04/01/2020
	<i>Traffic Operations: 2017-2019 Low Cost Enhancement Program</i>	Engrossed Substitute House Bill No. 1160	03/30/2020
	<i>Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, January - March 2020</i>	Engrossed Substitute House Bill No. 1160	05/01/2020
	<i>Fund Transfers Report, January - March 2020</i>	Engrossed Substitute House Bill No. 2322	05/11/2020
	<i>Fund Transfers Report (TPA and Connecting Washington Accounts), January - March 2020</i>	Engrossed Substitute House Bill No. 2322	05/11/2020
University of Washington	<i>Today's Changes for Serving Tomorrow's Diverse Communities: Increasing the Latino Physician Workforce Now - Final Report</i>	Engrossed Substitute House Bill No. 1109	10/30/2020
University of Washington School of Environment and Forest Sciences	<i>Washington's Small Forest Landowners in 2020: Status, Trends and Recommendations after 20 Years of Forests and Fish</i>	Engrossed Substitute Senate Bill No. 5330	01/11/2021
Utilities and Transportation Commission	<i>Status Report on Revisions to Establishing Marine Pilotage Tariffs</i>	Substitute Senate Bill No. 6519	06/29/2020
Walla Walla Watershed Management Partnership	<i>Walla Walla Pilot Local Water Management Program</i>	Second Substitute Senate Bill No. 5352	10/24/2020
Washington Background Check Advisory Board	<i>Annual Report</i>	Engrossed Second Substitute House Bill No. 2467	12/15/2020
Washington State Patrol	<i>Quarterly Report on Recruitment and Retention Activities, July 1 - September 30, 2020</i>	Engrossed Substitute House Bill No. 1160	11/12/2020
	<i>DNA Testing of Washington's Sexual Assault Kits; Annual Report to the Legislature and Governor 2020</i>	5.70.040 RCW	12/01/2020
	<i>State Fire Service Mobilization Report 2020</i>	43.43.965 RCW	11/01/2020
	<i>Centralized Firearms Background Check Program Implementation Plan</i>	Engrossed Second Substitute House Bill No. 2467	12/01/2020
	<i>Sexual Assault Kit Tracking System: Data Reporting for February - July 2020</i>	Second Substitute House Bill No. 2530	09/01/2020
	<i>Sexual Assault Kit Tracking System: Data Reporting for August 2020 - January 2021</i>	Second Substitute House Bill No. 2530	03/01/2021

ABORTION

Down syndrome, abortion or attempted abortion due to, prohibiting: SB 5416
 Down syndrome, attending physician reporting duties in relation to: SB 5416
 Parental notification, requirements: SB 5053
 Student health plans, coverage for abortion, when: ***HB 1009, CH 53 (2021)**

ADMINISTRATIVE OFFICE OF THE COURTS

Court research, Washington center for, attorneys for children in dependency proceedings role of: ***2SHB 1219, CH 210 (2021)**
 Early childhood court program, for infants/toddlers in dependency system, establishing, evaluation of, office role: SB 5331
 Eviction resolution pilot program, unlawful detainer actions and, resolution center/superior court reports to office: SB 5260

ADMINISTRATIVE PROCEDURE (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; ENVIRONMENT; GROWTH MANAGEMENT; HYDRAULIC PERMITS AND PROJECTS; LAND USE PLANNING AND DEVELOPMENT; LEGISLATURE; LICENSING, DEPARTMENT; OPEN PUBLIC MEETINGS; PROFESSIONS; RECORDS; WASHINGTON ADMINISTRATIVE CODE (WAC))

Agency actions, judicial review under APA of, declaring rule invalid when stated rationale is a pretext: SB 5320
 Agency actions, judicial review under APA of, neutral and impartial decision making by courts: SB 5320
 Agency actions, judicial review under APA of, transfer to court of appeals, when: ***SB 5225, CH 305 (2021)**
 Branches of state government, legislature/executive agencies/judiciary, administrative rules/procedures roles of: SB 5320
 Commerce, department of, significant agency rules requirements to include: SB 5276
 COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: SB 5469
 Emergency orders, limitations due to education modality metrics: SB 5037
 Enforcement actions, by certain agencies, burden of proof on agency: SB 5081
 Health orders, emergency, limitations due to education modality metrics: SB 5037
 Justice, environmental, environmental health inequities, state agency actions to reduce: SB 5141
 Rule making, by agencies, within powers/authorized by law and with expiration date, legislative role: SB 5280
 Rule making, by executive agencies, citing statutory authority in session laws for, requirements: SB 5320
 Rule making, emergency, limitations due to education modality metrics: SB 5037
 Rule making, for uniform document recording, by secretary of state: ***SB 5019, CH 137 (2021)**
 Rule making, significant agency rules, requirements for, additional agencies to comply with: SB 5276
 Rule making, to enforce emergency order by governor, legislative approval before: SB 5100
 Utilities and transportation commission, significant agency rules requirements to include: SB 5276

ADOPTION

Preadoption studies, conducting for court, preadoption study training program: SB 5233

ADVANCED COLLEGE TUITION PAYMENT PROGRAM

GET accounts, retroactively adjusting for units purchased at 2020-2021 unit price: ***SB 5430, CH 248 (2021)**
 Tuition units, price increase limitations, when: ***SB 5430, CH 248 (2021)**

AERONAUTICS

Aircraft noise abatement, authorized programs, merging double amendments of RCW section concerning: ***EHB 1192, CH 65 (2021)**
 Aircraft, unpiloted, DOT aviation division director to be system coordinator: ***SHB 1379, CH 131 (2021)**
 Airplanes/components, commercial, manufacturers/processors for hire of, lowering B&O tax rate to 0.00: SB 5422, SB 5440
 Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: SB 5329
 Airports, municipal, minimum labor standards enactment, when: ***SB 5385, CH 106 (2021)**
 Airports, public use general aviation airport loan program: HB 1030, ***SB 5031, CH 175 (2021)**
 Commercial aviation coordinating commission, state, extending deadlines/expiration dates for: HB 1198
 Commercial aviation facility, new primary, deadline for providing location for, extending: HB 1198
 Community aviation revitalization board, convening: HB 1030, ***SB 5031, CH 175 (2021)**
 Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: SB 5350

Unpiloted aircraft system coordinator, DOT aviation division director to be: ***SHB 1379, CH 131 (2021)**, SB 5483
 Unpiloted aircraft, commercial, registration fees for, as funding source for system coordinator: ***SHB 1379, CH 131 (2021)**, SB 5483
 Wildland fire aviation program and support plan, provisions: ***2SHB 1168, CH 298 (2021)**

AFRICAN AMERICAN AFFAIRS, COMMISSION

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: SB 5405

AFRICAN AMERICANS (See also DISCRIMINATION; EQUITY, WASHINGTON STATE OFFICE; MINORITIES)

Juneteenth, as state legal holiday, establishing as: ***SHB 1016, CH 295 (2021)**

AGRICULTURE (See also AGRICULTURE, DEPARTMENT; EMPLOYMENT AND EMPLOYEES; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; GROWTH MANAGEMENT; HORSES; LABOR; LIVESTOCK)

Bees, nonnative bumble bees, moving into Washington for open-field agricultural use, prohibiting: SB 5253
 Bees/pollinators, habitat for, provisions: SB 5253
 Bees/pollinators, pollinator health task force, reestablishing, and implementing recommendations of: SB 5253
 Fairs, area and county, state retail sales tax on sales at, deposit into fair fund to assist fairs: SB 5362
 Feed, for swine, using animal meat waste material and associated garbage as, prohibiting: SB 5300
 Fertilizer, commercial, application/license/inspection/late fees, increasing: SB 5318
 Hemp extract, processors producing, hemp extract certifications for: ***ESB 5372, CH 104 (2021)**
 Hemp, commercial processors, registration of: ***ESB 5372, CH 104 (2021)**
 Lands, agricultural, action removing designation under GMA: SB 5042
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 Bees/pollinators, habitat for, department role: SB 5253
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 Hemp extract, processors producing, hemp extract certifications for, department role: ***ESB 5372, CH 104 (2021)**
 Hemp, commercial processors, registration of, department role: ***ESB 5372, CH 104 (2021)**
 Justice, environmental, environmental health inequities, department actions to reduce: SB 5141
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 Clean energy transformation act, electric utility projects under, resources analysis/advisory opinion: SB 5168
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 Greenhouse gas emissions, clean fuels program, establishing: ***E3SHB 1091, CH 317 (2021) PV**, SB 5231
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 Greenhouse gas emissions, from building materials manufacturing, buy clean and buy fair Washington act: SB 5366
 Greenhouse gas emissions, from hydrofluorocarbon and other refrigerants, reducing: ***E2SHB 1050, CH 315 (2021)**
 Greenhouse gas emissions, GMA/SMA/transportation/flood control planning for reducing: E2SHB 1099
 Greenhouse gas emissions, healthy homes and clean buildings act: SB 5093
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 Greenhouse gas emissions, reducing through carbon pollution tax and resulting revenues: SB 5373

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COVID-19, economic impacts of, privileges granted to businesses with liquor licenses to mitigate, extending: ***E2SHB 1480, CH 48 (2021)**, SB 5417

Licenses, providing alcohol for on-premises consumption, "open safe, open now" plan for reopening state in regard to: SB 5473

Licenses, fees for, waiving for one year, unless licensee has violated COVID-19/emergency requirements: SB 5272

Licenses, fees, for certain restaurant/hotel/nightclub/theater/caterer licenses, reducing: 2SHB 1359

Licenses, fees, for distillers and distillery off-site tasting rooms licenses, reducing: 2SHB 1359

Licenses, restaurant, beer and wine, wine by glass/premixed wine drinks for takeout/curbside/delivery: ***E2SHB 1480, CH 48 (2021)**

Licenses, restaurant, spirits, beer, and wine, sales for off-premises consumption, licensee requirements: ***E2SHB 1480, CH 48 (2021)**, SB 5394, SB 5417

Licenses, various, alcohol products sales for curbside and takeout service or delivery by licensees holding: ***E2SHB 1480, CH 48 (2021)**, SB 5417

Licenses, various, food service menu requirements for alcohol sales by, revising rules for flexibility concerning: SB 5417

Licenses, various, outdoor service of alcohol by on-premises licensees holding: ***E2SHB 1480, CH 48 (2021)**, SB 5417

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Low-proof beverages, taxing via tax on distribution and sale: SB 5049

Production facilities of licensees, allowing employees 18 to 20 years of age to work in: SB 5479

Spirits, mini-bottles, retail sales tax exemption for, when: ***E2SHB 1480, CH 48 (2021)**, SB 5417

Wineries, production facilities of, allowing employees 18 to 20 years of age to work in: ***HB 1289, CH 123 (2021)**, SB 5477

Wineries, small, liquor excise tax on sales, exemption: SB 5001

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Cats, selling or offering for sale in pet store, prohibiting: ***SHB 1424, CH 76 (2021)**

Dogs, assistance, courthouse facility dogs for witness use, access authority and certified handlers for: SB 5127

Dogs, selling or offering for sale in pet store, when: ***SHB 1424, CH 76 (2021)**

Police dogs, canine teams, model policy for training and use of, work group to develop, convening: ***ESHB 1054, CH 320 (2021)**

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Air conditioning equipment, hydrofluorocarbons used in, regulating: ***E2SHB 1050, CH 315 (2021)**

Heat pump and electrification program, for high-efficiency equipment, establishing: SB 5093

Refrigeration and air conditioning systems, refrigerant management program for: ***E2SHB 1050, CH 315 (2021)**

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Chief archivist, secretary of state as, document recording standards role of: ***SB 5019, CH 137 (2021)**

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Marcus Whitman statue, in U.S. capitol's national statuary hall, replacing with statue of Billy Frank Jr.: ***ESHB 1372, CH 20 (2021)**, SB 5419

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Racial equity analyses, incorporation into audits/reviews/reports by JLARC, commission role: SB 5405

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Fair campaign practices act, seeking sanctions enjoining person from election participation, prohibiting AG from: SB 5109

Minority and women-owned businesses, contracts, AG enforcement, repealing: *SHB 1259, CH 160 (2021)

Nonprofit corporation act, Washington, AG enforcement role: SB 5034

Peace officers, force/deadly force use, permissible/excessive and de-escalation tactics, model policies, AG role: *E2SHB 1310, CH 324 (2021)

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Sexual assault investigation/prosecution, investigational/case status, reporting of, AG role: *ESHB 1109, CH 118 (2021)

Tribes, AG actions/programs/projects that will affect, notice to and consent from tribes, requirements: SB 5298

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Youth, safety/well-being of, risks to, YES tip line program for tips concerning, establishing, AG role: SB 5327

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Dependency proceedings, attorney for child in, appointing, when: *2SHB 1219, CH 210 (2021)

Juveniles, access to attorney when questioned by law enforcement: *ESHB 1140, CH 328 (2021)

Legal services, "sale at retail" and "retail sale" to apply to, for excise tax purposes: SB 5422

Prosecuting attorneys, as ex officio coroner in certain counties: *ESHB 1326, CH 127 (2021)

Prosecuting attorneys, peace officer potential impeachment disclosures role of: *SHB 1088, CH 322 (2021)

AUDITOR, STATE (See also LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (JLARC))

Deadly force, by peace officers, agency requirements compliance audits, state auditor role: *E2SHB 1089, CH 319 (2021), SB 5069

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County auditors, deed of trust recording surcharge, delaying expiration of: *HB 1104, CH 31 (2021)

County auditors, document recording standards, revising: *SB 5019, CH 137 (2021)

County auditors, document recording, surveys and maps provisions: SB 5224

County auditors, document-recording surcharge, additional: *E2SHB 1277, CH 214 (2021), SB 5279

County auditors, document-recording surcharges, provisions: *E2SHB 1277, CH 214 (2021), SB 5224, SB 5279

County auditors, document-recording surcharges, revenue source for eviction prevention/housing stability: *E2SHB 1277, CH 214 (2021), SB 5279

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Vessels, nonresident, permit provisions applicable to, removing or relaxing certain limits: *SHB 1107, CH 150 (2021)

Vessels, owners with nonresident vessel permit for charter with captain or crew to be subject to use tax: ***SHB 1107, CH 150 (2021)**

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Special tax obligation bonds, for ten-year climate finance program in connection with carbon pollution tax: SB 5373

State finance committee, establishing Washington state public bank with committee as oversight board: SB 5188

State route number 520, construction/operation, bond/loan obligations, SR 520 civil penalties account use for: ***ESHB 1529, CH 136 (2021)**

Toll facilities, Interstate 405/state route number 167 express toll lanes account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232

Toll facilities, Puget Sound gateway facility account, bonds supported by revenues in, prohibiting issuance, when: ESB 5232

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Public land survey system, boundary and reference marks and monuments, program and requirements for: SB 5224

Rural development, limited areas of more intensive, logical outer boundary of, in Eastern WA: SB 5275

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Appropriations, certain 2019-2021 biennial, freeing up certain federal coronavirus funds by reattributing of: ***ESHB 1368, CH 3 (2021)**, SB 5344

Appropriations, certain 2019-2021 biennial, reattributing to budget stabilization account/federal medicaid funds: ***HB 1367, CH 5 (2021)**, SB 5343

Budgets, special 30-day legislative session for COVID-19 hardships and, convening: SCR 8400

Capital construction projects, major, predesign requirements, reducing: ***HB 1023, CH 54 (2021)**

Capital, 2021-2023 and supplemental 2019-2021: SB 5083

Capital, general obligation bonds for projects: SB 5084

Operating, 2021-2023: SB 5092

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Operating, general obligation bonds for projects, authority to issue: SB 5084

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Unanticipated revenue oversight committee, joint legislative, creating: SB 5162

Unanticipated revenues, agency allotment amendment request, role of governor and new oversight committee: SB 5316

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Electric vehicle infrastructure in buildings, to support zero emission vehicle use: ***E2SHB 1287, CH 300 (2021) PV**

Greenhouse gases, zero emissions transportation future, state transition to, supporting, council role: ***E2SHB 1287, CH 300 (2021) PV**

Nonpotable water, treatment by on-site systems and reuse, risk-based standards, council role: ***ESHB 1184, CH 156 (2021)**, SB 5087

Refrigeration or air conditioning systems, refrigerants used in, using substitutes: ***E2SHB 1050, CH 315 (2021)**

BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL)

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 Dampers, fire and/or smoke, inspection/testing of, alternative to certain contractors/engineers for: SB 5360
 Electric vehicle infrastructure in buildings, to support zero emission vehicle use: *E2SHB 1287, CH 300 (2021) PV
 Energy codes, residential/nonresidential construction, space and water heating: SB 5093
 Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting: *E2SHB 1287, CH 300 (2021) PV
 Permits, applications for, after three reviews/information requests, deeming complete: SB 5380
 Permits, applications for, submitted with engineered plans, deeming complete: SB 5243
 Smoke control systems, inspection/testing of, alternative to certain contractors/engineers for: SB 5360
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Greenhouse gas emissions, public facility practices and all-electric energy systems for reducing: HB 1280
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BUSINESSES (See also AGRICULTURE; ALCOHOLIC BEVERAGES; ANIMALS; COMPUTERS; CONSUMER PROTECTION; COOPERATIVE ASSOCIATIONS; DRUGS; EMPLOYMENT AND EMPLOYEES; FOOD AND FOOD PRODUCTS; LABOR; LODGING; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONS; TAXES - BUSINESS AND OCCUPATION; TELECOMMUNICATIONS; UNEMPLOYMENT COMPENSATION; UTILITIES; WORKERS' COMPENSATION)

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 COVID-19, assistance to prevent business closure, certain account funds use for: SB 5156
 COVID-19, business interruption insurance coverage claims, denial of, extending period for challenging: SB 5351
 COVID-19, economic impacts of, privileges granted to liquor licensees to mitigate, extending: *E2SHB 1480, CH 48 (2021), SB 5417
 COVID-19, grants addressing impacts, B&O/public utility/retail sales tax exemptions: *SHB 1095, CH 4 (2021)
 Credit card processing companies, B&O tax exemption for certain amounts for, when: SB 5459
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 Hospitality industry, restaurants/hotels/nightclubs/theaters/caterers, certain liquor licenses for, reducing fees: 2SHB 1359
 Hotels, certain liquor license fees for, reducing: 2SHB 1359
 Job seekers, hard-to-place, employers hiring, B&O and public utility tax credits for: SB 5358
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 Licensing, business license center, renewal delinquency fee, repealing: SB 5113
 Lodging, short-term rental operators and platforms, provisions: SB 5012
 Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce: SJM 8004
 Nightclubs, "open safe, open now" plan for reopening Washington in regard to: SB 5473
 Nightclubs, certain liquor license fees for, reducing: 2SHB 1359
 Personal data, businesses controlling/processing, Washington privacy act: SB 5062
 Public accommodation, places of, closed captioning on televisions in: *SB 5027, CH 229 (2021)
 Public accommodation/etc., places of, facial recognition technology in, prohibiting: SB 5104
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 Restaurants, spirits, beer, and wine restaurant license holders, liquor sales for off-premises consumption by: SB 5394
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 Small, awarding of public works and procurement contracts to, reporting and other provisions concerning: SB 5458
 Small, awarding public works contracts exempt from certain bidding requirements to, when: SB 5458
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Small, ferry vessel procurement participation by, small business enterprise enforceable goals program for, establishing:

***SHB 1502, CH 224 (2021)**

Small, public works alternative contracting opportunities access for: ***SB 5032, CH 230 (2021)**

Small, working Washington grants to assist during pandemic, using certain funds for: ***ESHB 1368, CH 3 (2021)**, SB 5344

Staffing agencies, for temporary employees, agency and worksite employer requirements: ***SHB 1206, CH 37 (2021)**, SB 5218

Stores/shops/sales outlets selling firearms, theft of firearm from, class B felony: SB 5407

Surveillance scores, secret, based on internet activity, businesses creating, requirements: SB 5108

Theaters, certain liquor license fees for, reducing: **2SHB 1359**

CAPITAL PROJECTS ADVISORY REVIEW BOARD (See also PUBLIC WORKS)

Alternative public works contracting procedures, revising, board role: ***SB 5032, CH 230 (2021)**

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Public monument, defacing, when owned by public body and including statue, class C felony: SB 5059

CASELOAD FORECAST COUNCIL

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Cloud computing services, 3rd-party commercial, state agency adoption of and migration to, office role: ***E2SHB 1274, CH 40 (2021)**

Cloud computing services, 3rd-party, task force on cloud transition, establishing, office role: ***E2SHB 1274, CH 40 (2021)**

Cybersecurity, office of, creating within office of state CIO: SB 5432

Data backup/disaster recovery, policies/standards adopted by office, executive state agency compliance with: SB 5474

Privacy and data protection, office of, personal data opt-out technology, studying: SB 5062

Privacy and data protection, office of, role of: SB 5062, SB 5432

CHILD CARE

Child care industry and early childhood development programs, fair start for kids act: E2SHB 1213, SB 5237

Emergency child care leave for employees, employers meeting requirements for, tax credits: SB 5115

Licenses, for providers, exemptions/seasonal camps/private schools/background checks/internal review/inspections: SB 5151

Licenses, for providers, fees for, prohibiting: SB 5136

Outdoor nature-based child care program, licensed, establishing: SB 5151

Perinatal to three, strengthening supports in multiple ways: SB 5237

Prenatal to three, strengthening supports in multiple ways: E2SHB 1213

Providers, child care and early learning, increasing rates/training/grants/services to support: E2SHB 1213, SB 5237

Working connections program, eligibility/copayment, and student parents: E2SHB 1213, SB 5237

Working connections program, eligibility/copayment, federal pandemic benefits exclusion: SB 5023

CHILDREN (See also ADOPTION; CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; MENTAL HEALTH; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; VICTIMS OF CRIMES)

Abuse or neglect, "experiencing homelessness" for purposes of statutes concerning: ***SHB 1221, CH 67 (2021)**

Abuse or neglect, placement of child with relative or other suitable person: ***E2SHB 1227, CH 211 (2021)**

Abuse or neglect, release of child to parent unless evidence shows imminent physical harm: ***E2SHB 1227, CH 211 (2021)**

Abuse or neglect, removal of child from parent, standards for: ***E2SHB 1227, CH 211 (2021)**

Access to, unsupervised, applicants with criminal record applying for long-term care worker positions with: ***SHB 1411, CH 219 (2021)**

Child welfare services, dependency proceedings, legal representation for child in, when: ***2SHB 1219, CH 210 (2021)**

Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: SB 5331

Custody, uniform child custody jurisdiction and enforcement act, international application of: ***HB 1042, CH 23 (2021)**
 Diapers, baby, sales and use tax exemptions: SB 5309
 Dogs, courthouse facility dogs, use by children when testifying, access authority and certified handlers for: SB 5127
 Early childhood court program, for infants/toddlers in dependency system, establishing: SB 5331
 Institutional facilities, secure, institutional education program for youth in/released from, agencies/advisory group duties: ***E2SHB 1295, CH 164 (2021)**
 Institutional facilities, secure, institutional education structure and accountability advisory group, establishing: ***E2SHB 1295, CH 164 (2021)**
 Institutional facilities, secure, reformed institutional education system establishment/implementation/funding: ***E2SHB 1295, CH 164 (2021)**
 Mental health, assessment/diagnosis through medicaid, for children from birth through 5 years of age: ***2SHB 1325, CH 126 (2021)**
 Mental health, partnership access line for kids, renaming as mental health referral service for children/teens: ***2SHB 1325, CH 126 (2021)**
 Molestation, of child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Rape of a child, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Reproduction, assisted, false representation in, by provider, conceived child cause of civil action for: SB 5348
 Safety/well-being of youth, risks to, YES tip line program for tips concerning, establishing: SB 5327
 Safety/well-being of youth, risks to, YES tip line program, advisory committee for, convening: SB 5327
 Sexual misconduct with minor, proof of nonmarriage as element in, eliminating: ***SB 5177, CH 142 (2021)**
 Suicide, prevention organizations and crisis intervention information for students on websites of schools: ***SHB 1373, CH 167 (2021)**
 Youth educational programming, capital facilities used for, deferred local sales/use tax funds use for: SB 5080

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also ADOPTION; CHILD CARE; CHILDREN; FOSTER CARE; PUBLIC ASSISTANCE)

Child care, outdoor nature-based program, licensed, establishing, DCYF role: SB 5151
 Child care, stabilizing industry and expanding early childhood development programs access, DCYF role: E2SHB 1213, SB 5237
 Child welfare services, dependency system, early childhood court program for infants/toddlers in, establishing: SB 5331
 Developmental disabilities, dependent foster youth with, prior to exiting care system/dependency, DCYF role: ***2SHB 1061, CH 56 (2021)**
 Early achievers program, governor's temporary suspension of, extending: SB 5277
 Early childhood education and assistance program, "homeless" for purposes of: ***SHB 1221, CH 67 (2021)**
 Early childhood education and assistance program, entitlement eligibility and expanded enrollment: E2SHB 1213, SB 5237
 Early learning advisory council, membership and duties of, expanding: E2SHB 1213, SB 5237
 Early learning and child care providers, increasing rates/training/grants/services to support: E2SHB 1213, SB 5237
 Early learning and child care, fair start for kids act: E2SHB 1213, SB 5237
 Early learning facilities grant and loan program, modifying: ***ESHB 1370, CH 130 (2021)**
 Early learning facilities, development of, impact fees imposed on, restrictions on and optional exemption from: ***SHB 1331, CH 72 (2021)**
 Early learning providers, using freed-up federal coronavirus funds to assist: ***ESHB 1368, CH 3 (2021)**, SB 5344
 Family preservation services, family resource center, defining: ***HB 1237, CH 39 (2021)**
 Family resource center, defining for DCYF purposes: ***HB 1237, CH 39 (2021)**
 Foster care, home studies for placing children in, training program, DCYF role: SB 5233
 Institutional education program, for youth in/released from secure facilities, DCYF duties: ***E2SHB 1295, CH 164 (2021)**
 Institutional education program, institutional education structure and accountability advisory group, establishing: ***E2SHB 1295, CH 164 (2021)**
 Institutional education system, reformed, establishment/implementation/funding recommendations, DCYF role: ***E2SHB 1295, CH 164 (2021)**
 Juvenile justice, office of, extension of juvenile court jurisdiction to age 19, implementation role of office: SB 5122
 Juvenile rehabilitation facilities, outcomes after exiting, improving, convening stakeholders to consider: ***E2SHB 1186, CH 206 (2021)**

Juvenile rehabilitation, community transition services program, implementing, DCYF role: *E2SHB 1186, CH 206 (2021)

Medical school graduates, international, limited license for, when nominated by DCYF: *SHB 1129, CH 204 (2021)

Perinatal to three, strengthening supports in multiple ways: SB 5237

Prenatal to three, strengthening supports in multiple ways: E2SHB 1213

CITIES AND TOWNS (See also ADMINISTRATIVE PROCEDURE; COMPUTERS; ELECTIONS; FIRE PROTECTION; GROWTH MANAGEMENT; HEALTH AND SAFETY, PUBLIC; HOMELESS PERSONS; HOMES AND HOUSING; LOCAL GOVERNMENT; SHORELINES AND SHORELINE MANAGEMENT; TAXES - LODGING; TAXES - SALES; TAXES - USE; TRAFFIC; UTILITIES)

Broadband services, retail, provided by cities/towns, in unserved areas, authority/process for: *ESHB 1336, CH 294 (2021) PV

Community preservation and development authorities, boards of directors for, membership: *EHB 1471, CH 47 (2021)

Heat island effects, urban, cool roof and tree planting programs for mitigating: *SHB 1114, CH 11 (2021)

Meetings, public, agenda for, online posting of, requirement and exception: ESHB 1056

Municipal criminal justice assistance account, city share of funds from, loss of, when: SB 5310

Seattle, interbay property, state lands development authority formation for: 2SHB 1173

CIVIL ACTIONS AND PROCEDURE (See also CIVIL LEGAL AID, OFFICE; CRIMINAL PROCEDURE; PROTECTION ORDERS; WAGES AND HOURS)

Bankruptcy proceedings, homestead exemption, amount and application of: SB 5408

Construction contracts, clauses waiving/extinguishing rights to damages due to COVID-caused delay, voiding: SB 5333

COVID-19 emergency proclamations, civil penalties for activity/operations violations, amnesty for and prohibition of: SB 5469

Defenses, against personal injury/wrongful death, when person injured/killed due to committing class A/B felony: SB 5263

Down syndrome, abortion/attempted abortion due to, action against physician: SB 5416

Elections, participation in, seeking sanctions in civil action enjoining person from, prohibition, when: SB 5109

Facial recognition technology, prohibitions, actions due to violations, when: SB 5104

Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: SB 5271

Law enforcement officer, unlawfully summoning a, civil action for damages: *ESB 5135, CH 330 (2021)

Liability, care or assistance, nonmedical, rendering at emergency/disaster scene, immunity for: *SHB 1209, CH 66 (2021)

Mischief, criminal, provisions involving liability when operating a motor vehicle: SB 5456

Public agency, tortious conduct of, accrual of interest on judgments founded on: SB 5155

Public expression protection act, uniform, cause of action under: SB 5009

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 Financial aid, Washington college grants, maximum award, at 4-year private not-for-profit colleges, increasing: SB 5215
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 Tuition, units via advanced college tuition payment/GET program, GET account retroactive adjustment for, when: ***SB 5430, CH 248 (2021)**
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 U. of Washington, psychiatry, partnership access line for kids referral and assistance service, renaming: ***2SHB 1325, CH 126 (2021)**
 U. of Washington, psychiatry, partnership access line for moms, removing pilot program provision: ***2SHB 1325, CH 126 (2021)**

- U. of Washington, reviewing real estate deeds/covenants for racial/other restrictions against protected classes: ***E2SHB 1335, CH 256 (2021)**
- U. of Washington, school of medicine, health equity curriculum for medical students, developing: SB 5228
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- U. of Washington, telehealth services, collaborative for advancement of telemedicine, duties of: ***ESHB 1196, CH 157 (2021)**
- U. of Washington, telehealth services, collaborative for advancement of telemedicine, extending: ***ESHB 1196, CH 157 (2021)**
- U. of Washington, William D. Ruckelshaus center, examining housing and services provided to avoid homelessness: ***E2SHB 1277, CH 214 (2021)**
- Washington State U., energy program, least-conflict priority clean energy project siting program, WSU role: SB 5415
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- Washington State U., pesticide safety education program, certain license fees to be used for: SB 5317
- Washington State U., school of medicine, health equity curriculum for medical students, developing: SB 5228
- Washington State U., William D. Ruckelshaus center, examining housing and services provided to avoid homelessness: ***E2SHB 1277, CH 214 (2021)**

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- Climate change and resiliency element, model, for GMA planning, developing, DOC role: E2SHB 1099
- Commercial buildings, tiers 2 and 3, energy management/benchmarking requirement, DOC role: SB 5093
- Community-police engagement, safe streets pilot project for, DOC role: SB 5353
- Creative economy, state, work group to create strategic plan for, establishing, DOC role: SB 5238
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- Equitable access to credit program, DOC to create and operate: E2SHB 1015
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- Forest health treatments and wildfire prevention/response, developing workforce for, DOC role: ***2SHB 1168, CH 298 (2021)**
- Forest health treatments and wildfire prevention/response, various actions to provide, DOC role: ***2SHB 1168, CH 298 (2021)**
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- Heat pump and electrification program, for high-efficiency equipment, establishing, DOC role: SB 5093
- Housing element, in GMA comprehensive plans, existing and projected needs inventory/analysis, DOC role: ***E2SHB 1220, CH 254 (2021) PV**
- Industrial symbiosis grant program, for local waste coordination project grants: ***SB 5345, CH 308 (2021)**
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- Justice, environmental, environmental health inequities, department actions to reduce: SB 5141
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Financial aid, college bound scholarship program, expanding access to: SB 5321

Financial aid, opportunity scholarship program, provisions: ***E2SHB 1504, CH 170 (2021)**

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Financial aid, rural county high employer demand jobs program, eligibility for use of scholarship funds under: ***SHB 1425, CH 133 (2021)**, SB 5288

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Financial aid, Washington opportunity scholarship program, using for industry-recognized credential programs: SB 5288

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Incarcerated individuals, postsecondary education before and after release: ***2SHB 1044, CH 200 (2021)**

Menstrual hygiene products, in gender-neutral and female-student bathrooms, providing: ***ESHB 1273, CH 163 (2021)**, SB 5070

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Students, homeless and foster care college students pilot program, expanding access to: ***SHB 1166, CH 62 (2021)**

Tuition, units via advanced college tuition payment/GET program, GET account retroactive adjustment for, when: ***SB 5430, CH 248 (2021)**

Tuition, units via advanced college tuition payment/GET program, price increase limitations, when: ***SB 5430, CH 248 (2021)**

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- Broadband installation along highways, informing facility owners of projects to enable coordination, when: ***ESHB 1457, CH 258 (2021)**
- Broadband installation along state highways, provider registration for coordinating, when: SB 5439
- Broadband internet services, providing to unserved areas via infrastructure, tax credits for: SB 5110
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- Cloud computing services, 3rd-party commercial, state agency adoption of and migration to: ***E2SHB 1274, CH 40 (2021)**
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- Computer science, bachelor of science degrees in, community/technical college authority to offer: SB 5401
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- COVID-19 contact tracing, individual's health data collected via digital tools and used for, protections for: ***2SHB 1127 (2021) V**
- Cybersecurity, office of, creating: SB 5432
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- Electronic media, use by elected county officials for continuity of operations: ***EHB 1271, CH 122 (2021)**
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- Internet, broadband services, retail, in unserved areas, provided by public entities, authority/process for: ***ESHB 1336, CH 294 (2021) PV**
- Internet, broadband services, retail, in unserved areas, provided by public utility districts, authority/process for: SB 5383
- Internet, broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: ***ESHB 1336, CH 294 (2021) PV**
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- Internet, high-speed, real estate seller's disclosure of access availability: ***SHB 1064, CH 25 (2021)**
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Inmates, unexpected deaths of, unexpected fatality reviews and review teams, DOC role: SB 5119

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Snohomish, community residential service businesses, provider rate: SB 5150

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District courts, clerks of, surcharges on certain civil action filing fees, removing expiration of: ***SHB 1532, CH 303 (2021)**

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 Vaccination, COVID-19 vaccines, limiting new hospital information reporting duties to COVID patient care and: SB 5420
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Coroners and medical examiners, continuity of operations during public health crises: ***EHB 1271, CH 122 (2021)**

Coroners and medical examiners, medicolegal forensic investigation training, requirements: ***ESHB 1326, CH 127 (2021)**

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Supportive services/technical assistance/other programs, DSHS to continue: SB 5284
 Wages, subminimum, certificates for persons with disabilities for, prohibiting issuance of: SB 5284
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 Special education, incarcerated individuals eligible for: ***2SHB 1044, CH 200 (2021)**
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 SB 5335
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 Human rights commission, closed captioning in public accommodations role of: ***SB 5027, CH 229 (2021)**
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 Child support, enforcement, withholding orders and liens, insurance company compliance: ***SHB 1416, CH 168 (2021)**
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 Family resource center, defining consistently in RCW: ***HB 1237, CH 39 (2021)**
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 Marijuana, Washington state cannabis commission, establishing: SB 5365
 Marijuana/marijuana products, wholesale sales of, persons making, B&O tax rate and surcharge for: SB 5365
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Emergency orders, school in-person learning as required option unless prohibited, when: SB 5464

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Long-term care facilities, comprehensive disaster preparedness plans of: ***SHB 1218, CH 159 (2021)**

Long-term care facilities, epidemic disease preparedness and response for, report and guidelines on: ***SHB 1218, CH 159 (2021)**

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Public health emergency, county elected officials, offices of, electronic media use/continuity of operations: ***EHB 1271, CH 122 (2021)**

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 Family/medical leave, pandemic leave assistance employee and employer grants, when: ***E2SHB 1073, CH 109 (2021)**
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 Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**
 Wills, electronic, uniform electronic wills act: ***SB 5132, CH 140 (2021)**

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 Wildfires, highly impacted communities, using environmental health disparities/justice/equity tools to identify: ***2SHB 1168, CH 298 (2021)**
 Wildfires, prevention, forest health activities for, and community resiliency projects, funding: ***2SHB 1168, CH 298 (2021)**, SB 5461
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Habitat enhancement, projects for, national flood insurance program, requirements/fees for administering: HB 1478

Habitat improvement, public projects for, shoreline substantial development permit requirements exemption: SB 5207, SB 5381

Habitat recovery pilot program, creating for freshwater/estuarine/marine fish habitat restoration projects: *E2SHB 1382, CH 75 (2021)

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Salmon, restoration, grants for, B&O tax deduction and sales tax exemption for: *ESB 5220, CH 143 (2021)

Salmon/steelhead/trout management, fishing rights/management agreements, repealing ch. 77.110 to affirm: HB 1172, SB 5199

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 Wildfires, highly impacted communities, using environmental health disparities/justice/equity tools to identify: ***2SHB 1168, CH 298 (2021)**
 Wildfires, prevention and risk mitigation, task force recommendations: ***ESB 5158, CH 183 (2021)**
 Wildfires, prevention, forest health activities for, and community resiliency projects, funding: SB 5461
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Urban and community forestry program, revising previous program name to be: ***E2SHB 1216, CH 209 (2021)**

Urban forestry management, shifting from Ch. 35.105 to Ch. 76.15: ***E2SHB 1216, CH 209 (2021)**

Urban forestry, evergreen community designation program: ***E2SHB 1216, CH 209 (2021)**

Urban forestry, program, needs, assistance, plans, ordinances, and DNR role: ***E2SHB 1216, CH 209 (2021)**

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Children in foster care, supreme court's commission on, children's representation work group in, duties: ***2SHB 1219, CH 210 (2021)**

Children in foster care, supreme court's commission on, duties of: ***2SHB 1219, CH 210 (2021)**

College students, homeless and foster care college students pilot program, expanding access to: ***SHB 1166, CH 62 (2021)**

Developmental disabilities, dependent foster youth with, exiting care system/dependency: ***2SHB 1061, CH 56 (2021)**

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Liaisons, foster care, for each school district, duties of: ***SB 5184, CH 95 (2021)**

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Clean fuels program, establishing: ***E3SHB 1091, CH 317 (2021) PV**, SB 5231

Electric vehicles, electricity sold as vehicle fuel and fueling systems and charging stations for, requirements: SB 5192

Fossil fuels, carbon pollution tax on sales/use of, imposing: SB 5373

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Hydrogen fuel cell electric vehicles, pilot sales/use tax exemption program: SB 5000

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Transportation fuels, clean fuels program for carbon intensity reduction, establishing: ***E3SHB 1091, CH 317 (2021) PV**, SB 5231

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Sports events, wagering on, sports wagering lounges and sports boards: SB 5212

Sports events, wagering on, through pools by cardrooms or racetracks, authorizing: SB 5212

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Raffles, enhanced, conducted by nonprofit/charity, commission reporting role: ***HB 1469, CH 81 (2021)**, SB 5379, SB 5410

Sports events, wagering on, involvement by certain persons, prohibitions: SB 5212

Sports events, wagering on, through pools by cardrooms or racetracks, commission regulatory role: SB 5212

GENDER IDENTITY (See also SEXUAL ORIENTATION; WOMEN)

Gender-affirming health care treatment, insurance coverage for, requirements for/unfair practices by carriers: SB 5313

Gender-affirming health care, access to, provider organization acquisition impact on: SB 5335

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National geodetic survey, national spatial reference system and vertical datum use as established by: SB 5224

Washington plane coordinate system, computing monument coordinates to conform with: SB 5224

GOVERNOR (See also BUDGETS; CLEMENCY AND PARDONS BOARD; COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; EQUITY, WASHINGTON STATE OFFICE; LEGISLATURE; STATE GOVERNMENT)

- 988 crisis hotline system and behavioral health crisis response services, governor's role: SB 5209
- 988 crisis hotline, crisis call center hubs, and behavioral health crisis response system, governor's role: ***E2SHB 1477, CH 302 (2021)**
- Broadband office, governor's statewide, broadband provider registration for coordinating installation along state highways: SB 5439
- Broadband office, governor's statewide, capital broadband investment acceleration program, creating in office: SB 5357
- Broadband office, governor's statewide, competitive grant program for broadband access in unserved areas: SB 5357
- Broadband office, governor's statewide, telecommunications services by public entities in unserved areas, office role: ***ESHB 1336, CH 294 (2021) PV**
- Broadband office, governor's statewide, telecommunications services by PUDs in unserved areas, office role: SB 5383
- Broadband office, governor's statewide, telecommunications services by PUDs/port districts in unserved areas, office role: ***ESHB 1336, CH 294 (2021) PV**
- Broadband office, governor's statewide, transportation system needs and collaboration with DOT: ***ESHB 1457, CH 258 (2021)**
- Climate commitment task force, governor to convene: SB 5126
- Climate commitment, state's, governor's role in implementing Washington climate commitment act: SB 5126
- Commutation of sentences, conditional, governor's role: SB 5036
- Education ombuds, office of, services available through, notifications by public schools of: SB 5376
- Emergency orders by governor, agency rule making to enforce, legislative approval before: SB 5100
- Emergency orders by governor, consolidated emergency assistance program benefits availability: ***SHB 1151, CH 9 (2021)**
- Emergency orders by governor, duration of, and role of legislature: SB 5039
- Emergency orders by governor, legislative extension of certain orders: ***SCR 8402 (2021)**
- Emergency orders by governor, limitations due to education modality metrics: SB 5037
- Emergency orders by governor, school in-person learning as required option unless prohibited, when: SB 5464
- Emergency orders, issued by governor, infringement on any constitutional rights by, prohibiting: SB 5186
- Emergency orders/proclamations/directives, issued by governor, "open safe, open now" plan in relation to: SB 5473
- Emergency proclamations by governor, school in-person learning as required option unless prohibited, when: SB 5464
- Emergency proclamations, civil penalties for activity/operations violations under, amnesty for and prohibition of: SB 5469
- Equity, Washington state office of, director of, process for appointment by governor: SB 5105
- Eviction moratorium, governor's, limiting rent increases after expiration of: SB 5139
- Eviction moratorium, governor's, tenant protections in relation to: SB 5160
- Inaugural address, joint legislative session for: ***HCR 4401 (2021)**
- Independent investigations, office of, advisory board for, creation of, governor role: ***ESHB 1267, CH 318 (2021)**
- Independent investigations, office of, establishing within governor's office: ***ESHB 1267, CH 318 (2021)**
- Justice, environmental, environmental justice ombuds, office of, creating in governor's office: SB 5141
- Marcus Whitman statue, in U.S. capitol's national statuary hall, location after removal, governor role: ***ESHB 1372, CH 20 (2021)**, SB 5419
- Roadmap to Recovery, phase 2, places/organizations reopening/resuming at: SB 5114
- Roadmap to Recovery, reverting county to more restrictive phase, COVID-19 vaccine equitable dose allocation before: SB 5484
- Term limit, constitutional amendment: SJR 8202

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- Agricultural, forest, or mineral resource lands, action removing designation: SB 5042
- Community, fully contained, action establishing: SB 5042
- Comprehensive planning, climate change and resiliency/land use/transportation/rural elements: E2SHB 1099
- Comprehensive planning, climate change mitigation goal and greenhouse gas emissions reduction subelement: E2SHB 1099
- Comprehensive planning, compensatory mitigation, mitigation hierarchy, and net ecological gain: E2SHB 1117
- Comprehensive planning, container port elements, Indian tribe collaboration: ESHB 1241

Comprehensive planning, county/regional, Indian tribe participation/coordination agreements and consultations: ESHB 1241

Comprehensive planning, economic development element, to plans/regulations promoting rural development: SB 5368

Comprehensive planning, emergency housing/shelters and transitional and permanent supportive housing: ***E2SHB 1220, CH 254 (2021) PV**

Comprehensive planning, housing element, existing and projected needs inventory and analysis: ***E2SHB 1220, CH 254 (2021) PV**

Comprehensive planning, housing, affordable for families at all low-income levels: ***E2SHB 1220, CH 254 (2021) PV**

Comprehensive planning, housing, American dream homes, low-income single-family: SB 5189

Comprehensive planning, housing, duplexes/townhouses/etc. in areas zoned for single-family housing: SB 5269

Comprehensive planning, housing, multiple types in multiple locations with urban densities: SB 5390

Comprehensive planning, housing, real estate excise tax density incentive zones establishment to increase: 2SHB 1157

Comprehensive planning, housing, single-family residences, duplexes/townhouses/etc. in urban growth areas: ESHB 1232

Comprehensive planning, juvenile offender community group care facilities as essential public facilities: SB 5118

Comprehensive planning, smaller/rural counties, exemptions from certain requirements for: SB 5368

Comprehensive planning, transit-oriented development under, and environmental review costs: SB 5312

Comprehensive plans and shoreline master programs, review/revision schedules coordination: ESHB 1241, SB 5368

Comprehensive plans, implementation progress reports: ESHB 1241

Comprehensive plans/regulations, county/city schedule for reviews, metropolitan counties/cities requirements: SB 5368

Comprehensive plans/regulations, county/city schedule for reviews/revisions, extending periodic deadlines: ESHB 1241, SB 5368

Comprehensive plans/regulations, project permit applications, after three reviews/information requests, deeming complete: SB 5380

Critical areas, designating, using best available science for: SB 5314

Dwelling units, accessory, housing unit on same lot as, primarily renter-occupied: SB 5235

Effective dates, initial, for certain actions under GMA: SB 5042

Fish and wildlife habitat conservation areas, designating, using best available science for: SB 5314

Fish passage barriers, removal under GMA: E2SHB 1117

Hearings board, review of certain actions under GMA by, petition filed for: SB 5042

Hearings board, review of certain actions under GMA by, petition filed for, finding of noncompliance: SB 5368

Hearings board, review of certain actions under GMA by, petition for, persons qualified to file: SB 5314, SB 5368

Resort, master planned, action creating or expanding: SB 5042

Rural development, encouraging through various measures: SB 5368

Rural development, limited areas of more intensive, action creating or expanding: SB 5042

Rural development, limited areas of more intensive, any building size/scale/use/intensity, when: SB 5275

Rural development, limited areas of more intensive, logical outer boundary of, in Eastern WA: SB 5275

Rural development, limited areas of more intensive, smaller/rural counties, amendments and exemptions for: SB 5368

Salmon/anadromous fish, preservation/enhancement in critical areas under GMA, requirements: SB 5306

Salmon/anadromous fish, recovery of, supporting through GMA planning revisions: E2SHB 1117

Urban growth areas, action expanding: SB 5042

Urban growth areas, annexation of unincorporated territory within, county/code city interlocal agreements: SB 5368

Urban growth areas, detached accessory dwelling units located outside of, requirements: SB 5221

Urban growth areas, single-family residences such as duplexes/townhouses/etc. in: ESHB 1232

GUARDIANSHIP

Guardianship, conservatorship, and other protective arrangements act, effective date, clarifying references to: ***EHB 1192, CH 65 (2021)**

GUBERNATORIAL APPOINTMENTS

Bahr, Krestin G., member, Professional Educator Standards Board: SGA 9293

Black, Erin L., member, Central Washington University Board of Trustees: SGA 9277

Cattin, Elizabeth, member, Lower Columbia College Board of Trustees: SGA 9283

Davis, TaTeasha M., member, Indeterminate Sentence Review Board: SGA 9294

Drew, Kathleen, chair, Energy Facility Site Evaluation Council: SGA 9282

Espinoza-Bravo, Pedro, member, Housing Finance Commission: SGA 9286

Hall, Will, member, Puget Sound Partnership Leadership Council: SGA 9275
 Hesselholt, Claire, member, Board of Tax Appeals: SGA 9289
 Hogans, Mack L., member, State Board for Community and Technical Colleges: SGA 9290
 Johnson, Karen, director, Washington State Office of Equity: SGA 9288
 Kenyon Jr., Kenneth W., member, Pharmacy Quality Assurance Commission: SGA 9271
 Krombeen, Henrik, member, Board of Pilotage Commissioners: *SGA 9272 (2021)
 Kuschel, Judy F., member, State Investment Board: SGA 9278
 Lee, Lorraine, chief administrative law judge, Office of Administrative Hearings: SGA 9280
 Lien, Carol A., member, Board of Tax Appeals: SGA 9281
 Phillips, Alice, member, Clover Park Technical College Board of Trustees: SGA 9284
 Pitt, Pah-tu, member, Columbia River Gorge Commission: SGA 9291
 Postman, David, chair, Liquor and Cannabis Board: SGA 9287
 Rasmussen, Timothy, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9273
 Reeves, Kristine, member, Gambling Commission: SGA 9295
 Sbaih, Jeff, member, Human Rights Commission: SGA 9276
 Sharratt, Gene C., member, Higher Education Facilities Authority: SGA 9292
 Stuehm, Hunter R., member, Western Washington University Board of Trustees: SGA 9274
 Valadez, Martin, member, State Board for Community and Technical Colleges: SGA 9285

HARASSMENT

Antiharassment protection orders, moving to a single civil protection orders chapter: *E2SHB 1320, CH 215 (2021), SB 5297

HAZARDOUS MATERIALS

Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: SB 5480
 Hydrofluorocarbons and ozone-depleting substances, as refrigerants, regulating: *E2SHB 1050, CH 315 (2021)
 Lead, in school drinking water, sampling/testing at outlets, requirements: *E2SHB 1139, CH 154 (2021)
 PFAS substances, surface/groundwater contamination by, requesting federal monitoring/mitigation assistance: SJM 8001

HAZARDOUS WASTE (See also ENVIRONMENTAL HEALTH AND SAFETY; HAZARDOUS MATERIALS; SOLID WASTE)

Plastic packaging, producer responsibility programs for: SB 5022
 Polystyrene products, expanded, sales and distribution prohibitions: SB 5022

HEALTH AND SAFETY, PUBLIC (See also ABORTION; COVID-19 AND CORONAVIRUS; DRUGS; ENVIRONMENTAL HEALTH AND SAFETY; FIRE PROTECTION; HAZARDOUS MATERIALS; HAZARDOUS WASTE; HEALTH CARE; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT; LABOR; MINORITIES; SOLID WASTE)

Blood donation, including via apheresis, by persons age 16 or 17: SB 5179
 Breast implant surgery, informing patient and receiving informed consent for, physician requirements: SB 5441
 Cognitive impairment, person with, when lacking capacity to provide informed consent for health care treatment: SB 5185
 Cosmetic products, marketed to women of color and with potentially harmful ingredients, plan for testing: SB 5480
 Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: SB 5480
 COVID-19 pandemic, creating COVID-19 public health response account for statewide response to: *ESHB 1368, CH 3 (2021), SB 5344
 Crab, biotoxin contamination regulation of, department of health authority for: SHB 1508
 Diapers, adult and baby, sales and use tax exemptions: SB 5309
 Disease/notifiable condition/public health threat information, personal identifying, disclosure exemption: HB 1328
 Epilepsy/seizure disorders, students with, health plans and parent-designated adults for: *SHB 1085, CH 29 (2021)
 Health care, selected laws/regulations, automatic waiver or suspension during state of emergency of: SB 5178
 Health equity account, creating for statewide sweetened beverage excise tax revenue: SB 5371
 Health equity account, sweetened beverage tax revenues in, community advisory board for use of, creating: SB 5371
 Health equity zones, identifying and creating: SB 5052
 Immunization, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: SB 5484

Immunization, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: ***ESHB 1368, CH 3 (2021)**, SB 5344

Immunization, COVID-19 vaccines, limiting new hospital information reporting duties to COVID patient care and: SB 5420

Immunization, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: SB 5144

Immunization, vaccine in limited supply, health care entity providing privileged access to, prohibiting: SB 5418

Lead, in school drinking water, sampling/testing at outlets, requirements: ***E2SHB 1139, CH 154 (2021)**

Organ donors, living donor act, insurance coverage protections via: SB 5003

Personal protective equipment, vendors of, database of, developing: SB 5302

Pregnancy, ectopic, treatment for/miscarriage management, health care entity care prohibitions, prohibiting: SB 5140

Public health services, foundational, account for, deposit of sweetened beverage excise tax revenues in: SB 5371

Public health services, foundational, comprehensive public health districts for, creating: SB 5173

Public health services, foundational, covered lives assessment funds to be used for: SB 5149

Public health services, foundational, developing/recommending system for, work group for, creating: SB 5173

Public health services, foundational, health districts for, and public health advisory, local, and community health advisory boards: ***E2SHB 1152, CH 205 (2021)**

Public health system and services, local boards of health and community health advisory boards, establishing: ***E2SHB 1152, CH 205 (2021)**

Public health system and services, public health advisory board, establishing: ***E2SHB 1152, CH 205 (2021)**

Public health, comprehensive public health districts for foundational services, creating: SB 5173

Public health, comprehensive public health districts, advisory committees for district health boards, establishing: SB 5173

Quarantine, housing/rental assistance for persons in, revenue use for: ***E2SHB 1069, CH 296 (2021) PV**

Reproduction, assisted, false representation in, by provider, class C felony: SB 5348

Reproduction, assisted, false representation in, by provider, conceived child cause of civil action for: SB 5348

Reproductive health care, access to, provider organization acquisition impact on: SB 5335

Seizure disorders, students with, health plans and parent-designated adults for: ***SHB 1085, CH 29 (2021)**

Stress, secondary traumatic, in K-12 workforce, model policy/procedure to prevent/address: ***SHB 1363, CH 129 (2021)**

Traumatic brain injuries, incarcerated individuals, educational accommodation: ***2SHB 1044, CH 200 (2021)**

Vaccination, COVID-19 vaccine, equitable dose allocation before reverting county to more restrictive Roadmap phase: SB 5484

Vaccination, COVID-19 vaccine, planning/preparing/deploying using freed-up federal coronavirus funds: ***ESHB 1368, CH 3 (2021)**, SB 5344

Vaccination, COVID-19 vaccines, limiting new hospital information reporting duties to COVID patient care and: SB 5420

Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: SB 5144

Vaccination, vaccine in limited supply, health care entity providing privileged access to, prohibiting: SB 5418

Vital statistics, birth resulting in stillbirth, certificate of, issuance, when: ***HB 1031, CH 55 (2021)**, SB 5072

HEALTH CARE (See also ABORTION; DRUGS; EMERGENCY MANAGEMENT AND SERVICES; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; MINORITIES; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS)

Affordable/reproductive/end-of-life/gender affirming, access to, provider organization acquisition impact on: SB 5335

Colon hydrotherapy, performed by certified colon hydrotherapist, when: ***SB 5124, CH 179 (2021)**

Decisions, by patient-designated person for patient not competent to provide informed consent, when: ESHB 1197

Decisions, making for person without capacity to make them due to cognitive impairment, provisions: SB 5185

Entities, drug or vaccine privileged access for donors or board members, prohibiting: SB 5418

Gender-affirming health care, access to, provider organization acquisition impact on: SB 5335

Gender-affirming treatment, health care coverage for, requirements and unfair practices by carriers: SB 5313

Health care policies, proposed legislation on, equity impact statements for, when: SB 5274

Health equity account, creating for statewide sweetened beverage excise tax revenue: SB 5371

Health equity account, sweetened beverage tax revenues in, community advisory board for use of, creating: SB 5371

Health equity zones, identifying and creating: SB 5052

Health systems, transparency, consolidated income statement/balance sheet: ***E2SHB 1272, CH 162 (2021)**

Health systems, transparency, data/activities/services/staffing/finances: ***E2SHB 1272, CH 162 (2021)**

Health trust, whole Washington, creating: SB 5204

Informed consent, for breast implant surgery, physician requirements: SB 5441
 Informed consent, person designated to provide, by patient when still retaining decision-making capacity: ESHB 1197
 Informed consent, person lacking capacity to make health care decisions due to cognitive impairment: SB 5185
 Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: SB 5140
 Parks/outdoor recreation spaces, "parks Rx" health and wellness pilot program, task force for developing, convening: SB 5292
 Reproductive health care, access to, provider organization acquisition impact on: SB 5335
 Surrogate decision maker, designation by competent patient to health care provider, process for: ESHB 1197
 Telebehavioral health programs, partnership access lines, various, modifications to: ***2SHB 1325, CH 126 (2021)**
 Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: ***ESHB 1196, CH 157 (2021)**, SB 5325
 Telemedicine, audio-only, established patient/provider relationship before providing, studying need for: ***ESHB 1196, CH 157 (2021)**
 Telemedicine, audio-only, trends/reimbursement/impact of, studying: ***ESHB 1196, CH 157 (2021)**
 Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**
 Telemedicine, collaborative for the advancement of, extending: ***ESHB 1196, CH 157 (2021)**
 Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: SB 5423
 Telemedicine, Washington state telehealth collaborative, role of: ***ESHB 1196, CH 157 (2021)**
 Transportation, for hire nonemergency medical vehicles, high occupancy vehicle exempt decal for, when: SHB 1510
 Universal health care commission, for creating coverage and access via universal financing system, establishing: SB 5399

HEALTH CARE AUTHORITY (See also PUBLIC ASSISTANCE)

988 crisis hotline coordination with crisis call center hubs and behavioral health crisis response system, HCA role: ***E2SHB 1477, CH 302 (2021)**
 988 crisis hotline system and behavioral health crisis system, HCA role: SB 5209
 Behavioral health services, performance measures, improvement projects, and value-based purchasing: SB 5157
 Behavioral health workforce pilot program and training support grants for various treatment providers, establishing: ***E2SHB 1504, CH 170 (2021)**
 Behavioral health, mental health/substance use disorder providers grant program, HCA role: ***E2SHB 1504, CH 170 (2021)**
 Community behavioral health program, certain appropriations provided to HCA for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**
 Community behavioral health system, HCA oversight, significant relationships in lives of clients, supporting: SB 5412
 Confined persons, reentry services work group, convening, HCA role: SB 5304
 Fire departments, safe station pilot programs grant program, HCA role: SB 5074
 Group insurance, HCA contracts with insurers or carriers for, performance standards: SHB 1052
 Medicaid, ability to apply for persons incarcerated for less than 30 days: ***SHB 1348, CH 166 (2021)**
 Medicaid, children's mental health assessment/diagnosis, from birth through 5 years of age, HCA role: ***2SHB 1325, CH 126 (2021)**
 Medicaid, clubhouses and peer-run organizations for persons with mental illness, HCA role: ESB 5328
 Medicaid, enrollees, in-network services for, ambulatory surgical facility/hospital role: SB 5377
 Medicaid, long-term care, consumer directed employer program, rate-setting board and employer provisions: SB 5258
 Medicaid, postpartum coverage for postpartum/pregnant persons, extending, HCA role: SB 5068
 Medicaid, suspense status, for persons incarcerated for less than 30 days, prohibiting, HCA role: ***SHB 1348, CH 166 (2021)**
 Medicaid, suspense status, pre-release medical assistance reinstatement for confined persons in, HCA role: SB 5304
 Prescription drugs, generic, production/distribution/purchase of, HCA partnerships for: SB 5203
 Prescription drugs, unsupported price increases, protections from, HCA role: SB 5020
 Public employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
 Public employees' benefits board, enrollees, in-network services for, ambulatory surgical facility/hospital role: SB 5377
 Public employees' benefits board, health care plans, services via audio-only telemedicine: ***ESHB 1196, CH 157 (2021)**, SB 5325
 School employees' benefits board, dual enrollment in PEBB and SEBB, prohibiting: ***SB 5322, CH 18 (2021)**
 School employees' benefits board, enrollees, in-network services for, ambulatory surgical facility/hospital role: SB 5377

School employees' benefits board, health care plans, services via audio-only telemedicine: ***ESHB 1196, CH 157 (2021), SB 5325**

Substance use disorder and substance misuse, various efforts and programs for, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substance use disorder treatment, grant program for services for certain individuals, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substance use disorder treatment, homeless outreach stabilization and transition program, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substance use disorder treatment, recovery navigator programs, BHASO's to establish, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substance use disorder, expanded recovery support services program, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substance use disorder, various appropriations to certain agencies in connection with: ***ESB 5476, CH 311 (2021) PV**

Substance use recovery services advisory committee, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**

Substances use recovery services plan, to assist persons with SUD, establishing, HCA role: ***ESB 5476, CH 311 (2021) PV**

HEALTH CARE FACILITIES (See also HOSPITALS)

Ambulatory surgical facilities, in-network services for PEBB/SEBB/medical assistance enrollees: SB 5377

Coronavirus funds, federal, using for rural health centers, federally qualified health centers, and free clinics: SB 5344

Coronavirus funds, federal, using for rural health clinics, federally qualified health centers, and free clinics: ***ESHB 1368, CH 3 (2021)**

Drugs or vaccines, providing privileged access for donors or board members to, prohibiting: SB 5418

Health systems, transparency, consolidated income statement/balance sheet: ***E2SHB 1272, CH 162 (2021)**

Health systems, transparency, data/activities/services/staffing/finances: ***E2SHB 1272, CH 162 (2021)**

Hospital/hospital system, acquisition of, applying for/receiving approval of DOH, requirements/procedures: SB 5335

Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: SB 5140

School-based health center program office, establishing: ***SHB 1225, CH 68 (2021)**

Strangulation, nonfatal, victims of, exam costs payment by state, when: SB 5183

Vaccines or drugs, providing privileged access for donors or board members to, prohibiting: SB 5418

HEALTH CARE PROFESSIONS AND PROVIDERS (See also COUNSELORS AND COUNSELING; INSURANCE; MENTAL HEALTH; SUBSTANCE USE DISORDER)

Acupuncture and Eastern medicine, as revised name for profession: ***SB 5018, CH 87 (2021)**

Acupuncture and Eastern medicine, point injection therapy: ***SB 5018, CH 87 (2021)**

Assistants, medical, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**

Colon hydrotherapists, certification of, and mandatory affiliation with naturopath: ***SB 5124, CH 179 (2021)**

Eastern medicine, acupuncture and, as revised name for profession: ***SB 5018, CH 87 (2021)**

Eastern medicine, acupuncture and, point injection therapy: ***SB 5018, CH 87 (2021)**

Employees, health care, unemployment and workers' compensation benefits, when: SB 5190

Health care, injuries resulting from, actions against providers for, standard of care law and proof of injury: SB 5271

Health equity continuing education training for health professions, requirements: SB 5229

Health equity curriculum, for medical students, development by UW/WSU schools of medicine: SB 5228

Health professional loan repayment and scholarship program, contracts reflecting underrepresented populations: ***E2SHB 1504, CH 170 (2021)**

Home care aides, long-term care workers certification as: ***ESHB 1120, CH 203 (2021)**

Home care aides, nurse delegation of glucose testing/monitoring to, when: SHB 1124

Incompetence/misconduct, other provider charges/evidence, committee/board records, certain exemptions for: SB 5098

Insurance carriers, health, contracts with providers, prohibitions: E2SHB 1160

Malpractice claims, monetary damages, accrual of interest: SB 5155

Medical assistants, telemedicine practitioner visits assistance by, via interactive A/V telemedicine technology: ***HB 1378, CH 44 (2021)**

Medical school graduates, international, limited license for, when: ***SHB 1129, CH 204 (2021)**

Medical students, health equity curriculum for, development by UW/WSU schools of medicine: SB 5228

Miscarriage management/ectopic pregnancies treatment, health care entity care prohibitions, prohibiting: SB 5140

Naturopathic physicians, affiliation of certified colon hydrotherapists with: ***SB 5124, CH 179 (2021)**
 Naturopathic physicians, controlled substances prescriptive authority, expanding: SB 5088
 Naturopathic physicians, expanding scope of practice of: SB 5088
 Nurses, advanced registered nurse practitioners, health carrier reimbursement at same rate as physicians: SB 5222
 Nurses, long-term care settings, delegation of tasks to certified assistants or home care aides: SHB 1124
 Nurses, multistate licensing of, interstate commission of nurse licensure compact administrators, creating: SB 5247
 Nurses, multistate licensing of, interstate nurse licensure compact of 2021: SB 5247
 Nurses, nurse forensic examiners for nonfatal strangulation victims: SB 5183
 Nurses, registered/licensed practical/vocational, multistate license to practice: SB 5247
 Nursing assistants, alternative training and a competency evaluation, completion of: ***ESHB 1120, CH 203 (2021)**
 Nursing assistants, certified, nurse delegation of glucose testing/monitoring to, when: SHB 1124
 Opioid overdose reversal medication, prescribing of, requirements: SB 5195
 Personal protective equipment, during COVID emergency, provider reimbursement by health carrier: SB 5169
 Physicians, performing breast implant surgery, informing patient and receiving informed consent for, requirements: SB 5441
 Providers, of primary care services, medicaid reimbursement at higher rate: SB 5246
 Providers, selected laws/regulations, automatic waiver or suspension during state of emergency of: SB 5178
 Reproduction, assisted, false representation in, by provider, class C felony: SB 5348
 Reproduction, assisted, false representation in, by provider, conceived child cause of civil action for: SB 5348
 Respiratory care practitioners, practice of respiratory care by, expansion of, and licensing requirements: ***SHB 1383, CH 114 (2021)**
 Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: ***ESHB 1196, CH 157 (2021)**, SB 5325
 Telemedicine, audio-only, established patient/provider relationship before providing, studying need for: ***ESHB 1196, CH 157 (2021)**
 Telemedicine, audio/visual, medical assistants assisting during practitioner visit via interactive technology: ***HB 1378, CH 44 (2021)**
 Telemedicine, consultation of out-of-state practitioner with in-state practitioner responsible for patient: SB 5423

HEALTH DEPARTMENTS, LOCAL (See also COVID-19 AND CORONAVIRUS; EMERGENCY, STATE OF; HEALTH DISTRICTS, LOCAL; HEALTH, BOARDS OF, LOCAL; HEALTH, DEPARTMENT)

Comprehensive public health districts, replacing current local health jurisdictions through creation of: SB 5173
 Comprehensive public health services, health districts for, local boards of health and community health advisory boards, establishing: ***E2SHB 1152, CH 205 (2021)**
 Contact tracing, personal information submitted to public health agencies for, disclosure exemption: SB 5113
 Fatality review teams, overdose and suicide, department establishment of: SHB 1074
 Long-term care system, state, training materials for local health jurisdictions concerning, developing: ***SHB 1218, CH 159 (2021)**
 Medical school graduates, international, limited license for, when nominated by local department: ***SHB 1129, CH 204 (2021)**
 Microenterprise home kitchen operations, permit for, local jurisdictions role: E2SHB 1258
 Officers, local health, emergency health order issuance and actions by: SB 5037
 Open safe, open now plan, for reopening state, local health jurisdiction in county to determine Phase 4 readiness: SB 5473
 Vapor products enforcement, role of local health officers: SB 5266

HEALTH DISTRICTS, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH, BOARDS OF, LOCAL)

Comprehensive public health districts, replacing current local health jurisdictions through creation of: SB 5173
 Comprehensive public health services, health districts for, creation by one or more counties: ***E2SHB 1152, CH 205 (2021)**

HEALTH, BOARDS OF, LOCAL (See also COVID-19 AND CORONAVIRUS; HEALTH DEPARTMENTS, LOCAL; HEALTH DISTRICTS, LOCAL)

Comprehensive public health districts, replacing current local health jurisdictions through creation of: SB 5173

Comprehensive public health services, health districts for, local boards of health and community health advisory boards, establishing: ***E2SHB 1152, CH 205 (2021)**

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Driver's licenses, suspended or revoked, administrative reinstatement, DOL authority for, when: SB 5226, SB 5349

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In-home care program, audits of performance and by state auditor: SB 5002

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 Workers, family member or friend with criminal record, informed consent process for hiring, identifying: ***SHB 1411, CH 219 (2021)**
 Workers, training and/or continuing education completion, emergency operations impact on: ***ESHB 1120, CH 203 (2021)**

LOW-INCOME PERSONS (See also HOMELESS PERSONS; HOMES AND HOUSING)

Communities, low-income, school districts serving, participation in federal tax credit programs to finance facilities: SB 5181
 Community/technical colleges, equity/access in, expanding via our colleges our future act of 2021: SB 5194
 Energy burden of low-income persons, conservation/energy efficiency opportunities to reduce for tenants: SB 5295
 Energy burden of low-income persons, electrical or natural gas company discounts to reduce: SB 5295
 Homeownership, American dream homes, tax distributions, use tax exemption, and B&O tax credit: SB 5189
 Housing, affordable for families at all low-income levels, under GMA: ***E2SHB 1220, CH 254 (2021) PV**
 Housing, affordable low-income, development in rural and urban locations, differences between, studying: SB 5375
 Local economic inclusion grants, implementing: SB 5241
 Manufactured/mobile home parks, tenant relocation assistance and related landlord assistance: ***E2SHB 1083, CH 28 (2021)**
 Poverty reduction work group steering committee, duties of: SB 5241
 Rental housing, conservation/energy efficiency opportunities to reduce tenant's energy burden: SB 5295
 Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: ***ESHB 1297, CH 195 (2021), SB 5387, SB 5424**

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Communities and/or parks, closure notice requirements: SB 5079
 Communities and/or parks, tenant relocation assistance and related landlord assistance: ***E2SHB 1083, CH 28 (2021)**
 Communities, 55-plus, purchase/lease of, landlord notice of opportunity and tenant notice of intent: SB 5319
 Communities, owner closure notice and right of first refusal to tenant organization, property tax exemption, when: SB 5319

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- Automated decision systems, development/procurement/use by public agencies: SB 5116
- BEST manufacturing act, Washington, building economic strength through manufacturing: *SHB 1170, CH 64 (2021)
- Building materials, manufacturers of, environmental product declarations: SB 5366
- Cosmetic products, toxic chemicals in, prohibitions, and manufacturer information disclosure requirements: SB 5480
- Facial recognition technology, agency obtaining or use of, prohibiting: SB 5104
- Industrial/manufacturing facilities, new construction of, in targeted urban areas, property tax exemption: *EHB 1386, CH 218 (2021)
- Industries, emissions-intensive trade-exposed, as covered entities in Washington climate commitment act: SB 5126
- Manufacturers and processors for hire, lowering B&O tax rate to 0.00: SB 5422, SB 5440
- Manufacturing and warehousing job centers account, creating to mitigate local sales tax revenue losses: *ESHB 1521, CH 83 (2021), SB 5446
- Wind turbine blades, stewardship and takeback program for manufacturers, developing: SB 5174

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- Public land survey system, boundary and reference marks and monuments, program and requirements for: SB 5224
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- Hard minerals, seabed mining of, and permits or leases for, prohibiting: *SB 5145, CH 181 (2021)
- Orcas, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: *ESB 5330, CH 284 (2021)
- Ports, container, comprehensive planning container port elements, Indian tribe collaboration: ESHB 1241
- Puget Sound salmon commercial fisheries advisory board, establishing for fisheries dispute resolution: SB 5421
- Puget Sound, pinnipeds in, lethal removal to protect salmon, requesting that congress amend MMPA to allow: SJM 8003
- Puget Sound/outer coast, pinniped predation in, effect on chinook salmon, appropriate management actions: SB 5404
- Puget Sound/outer coast, pinniped predation in, extent/effect on chinook salmon of, reviewing and evaluating: SB 5404
- Shoreline stabilization/armoring, replacing, options and requirements for: SB 5273
- Whales, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: *ESB 5330, CH 284 (2021)

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- Dissolution/legal separation proceedings, interpreting for deaf and hard of hearing persons: SB 5255
- Dissolution/legal separation proceedings, interpreting for limited English proficiency parties in relevant language: SB 5255
- Indecent liberties, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)
- Rape of a child, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)
- Rape, second degree, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)
- Sex offenses involving minor, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)

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- Advance directives, mental health, for behavioral health disorder treatment: SB 5370
- Advance directives, mental health, persons involuntarily committed: SB 5073
- Behavioral health administrative services organizations, providing treatment services, B&O tax deduction for: *HB 1296, CH 124 (2021)
- Behavioral health consumer advocacy, state office of, establishing: *E2SHB 1086, CH 202 (2021)
- Behavioral health consumer advocates, certified, role and certification of: *E2SHB 1086, CH 202 (2021)
- Behavioral health disorders, law enforcement arresting of persons with, alternatives to: *ESB 5476, CH 311 (2021) PV
- Behavioral health ombuds, regional programs, discontinuing and integrating into advocate program: *E2SHB 1086, CH 202 (2021)
- Behavioral health services, client criminal justice system involvement reduction: SB 5157
- Behavioral health services, performance measures, improvement projects, and value-based purchasing: SB 5157
- Behavioral health services, via audio-only telemedicine, BHASO and MCO reimbursement for, when: *ESHB 1196, CH 157 (2021), SB 5325

Behavioral health workforce pilot program and training support grants for various treatment providers, establishing:

***E2SHB 1504, CH 170 (2021)**

Behavioral health, community system, managed care organization contracts with agencies, continuity: SB 5240

Behavioral health, crisis facility provision of medically necessary co-occurring disorder treatment: SB 5397

Behavioral health, crisis response services, mobile crisis/triage facility/crisis stabilization services, payment for: SB 5209

Behavioral health, crisis response system, mobile crisis teams and crisis stabilization services via: ***E2SHB 1477, CH 302 (2021)**

Behavioral health, crisis response/suicide prevention, crisis system via 988 hotline: ***E2SHB 1477, CH 302 (2021)**

Behavioral health, crisis response/suicide prevention, implementation coalition and 988 crisis hotline system: SB 5209

Behavioral health, improving, using criminal justice local sales/use tax for: ***E2SHB 1069, CH 296 (2021) PV**

Behavioral health, mental health/substance use disorder providers, grant program for, establishing: ***E2SHB 1504, CH 170 (2021)**

Children, assessment/diagnosis through medicaid, from birth through 5 years of age: ***2SHB 1325, CH 126 (2021)**

Children, partnership access line for kids, renaming as mental health referral service for children and teens: ***2SHB 1325, CH 126 (2021)**

Clubhouses, for persons with mental illness, establishing throughout state and accessing medicaid funding for: ESB 5328

Commitment, involuntary, BHASO and MCO safe placement or safe discharge of detained person: SB 5397

Commitment, involuntary, care coordinator role: SB 5073

Commitment, involuntary, crisis facility provision of medically necessary co-occurring disorder treatment: SB 5397

Commitment, involuntary, of veterans, diversion to veterans administration facility for treatment: ***SHB 1314, CH 125 (2021)**

Commitment, involuntary, orders for less restrictive alternative treatment: SB 5071, SB 5073

Commitment, involuntary, reentry community services program expansion in order to include persons under: SB 5304

Commitment, involuntary, secure withdrawal management/stabilization or evaluation/treatment facilities access: SB 5397

Commitment, involuntary, when incompetent to stand trial, orders for less restrictive alternative treatment: SB 5071

Commitment, involuntary, when not guilty by reason of insanity, transition from commitment, transition team for: SB 5071

Community behavioral health program, certain appropriations provided for, conditions and limitations for: ***ESB 5476, CH 311 (2021) PV**

Community behavioral health system, HCA oversight, significant relationships in lives of clients, supporting: SB 5412

Confined persons, in medicaid suspense status, pre-release reinstatement of medical assistance for: SB 5304

Criminal offenders, convicted, mental disability mandated observation and treatment alternative to incarceration: SB 5293

Criminally insane, competency restoration treatment, outpatient, court-ordered: SB 5210

Criminally insane, reentry community services program expansion in order to include: SB 5304

Criminally insane, transition teams for, when conditional release or affirmative special finding: SB 5071

Crisis response services, 988 crisis hotline coordination with crisis call center hubs and crisis response system: ***E2SHB 1477, CH 302 (2021)**

Crisis response services, 988 crisis hotline coordination with hotline centers, 911 systems, and crisis system: SB 5209

Crisis response services, 988 crisis hotline system director, appointment of: SB 5209

Crisis response services, and suicide prevention, crisis system via 988 hotline: ***E2SHB 1477, CH 302 (2021)**

Crisis response services, and suicide prevention, implementation coalition and 988 crisis hotline system: SB 5209

Crisis response services, statewide 988 behavioral health crisis response and suicide prevention line tax, imposing:

***E2SHB 1477, CH 302 (2021)**

Crisis response services, statewide 988 behavioral health crisis response line tax, imposing: SB 5209

Crisis response system, behavioral health, improvement strategy committee for, establishing: ***E2SHB 1477, CH 302 (2021)**

Depression/anxiety, behavioral health information for students on websites of schools: ***SHB 1373, CH 167 (2021)**

Hospitals, psychiatric, beds for psychiatric services, certificate of need exemption to allow for: SB 5236

Hospitals, state, behavioral health consumer advocates in connection with: ***E2SHB 1086, CH 202 (2021)**

Hospitals, state, DSHS oversight of, supporting significant relationships in lives of patients: SB 5412

Hospitals, state, reentry community services program expansion in order to include: SB 5304

Incarcerated persons, ability to apply for medicaid when incarcerated for less than 30 days: ***SHB 1348, CH 166 (2021)**

Incarcerated persons, prohibiting medicaid suspense status when incarcerated for less than 30 days: ***SHB 1348, CH 166 (2021)**

Partnership access lines for providers/moms/kids, various, modifications to: ***2SHB 1325, CH 126 (2021)**

Peer-run organizations for persons with mental illness, accessing medicaid funding for: SB 5328

Psychiatric beds, in hospitals, certificate of need exemption to allow for: SB 5236

Safety/well-being of youth, risks to, YES tip line program for tips concerning, establishing: SB 5327

Safety/well-being of youth, risks to, YES tip line program, community mental health safety fund for funding: SB 5327

Schools, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: ***SHB 1363, CH 129 (2021)**

Schools, suicide prevention/mental health/substance use/eating disorders information for students on website: ***SHB 1373, CH 167 (2021)**

Suicide, 988 crisis hotline coordination with crisis call center hubs and behavioral health crisis response system: ***E2SHB 1477, CH 302 (2021)**

Suicide, 988 crisis hotline coordination with hotline centers, 911 systems, and behavioral health crisis system: SB 5209

Suicide, overdose and suicide fatality review teams, establishing: SHB 1074

Suicide, prevention organizations and crisis intervention information for students on websites of schools: ***SHB 1373, CH 167 (2021)**

Telebehavioral health programs, partnership access lines, various, modifications to: ***2SHB 1325, CH 126 (2021)**

Telemedicine, audio-only, behavioral health services via, BHASO and MCO reimbursement for, when: ***ESHB 1196, CH 157 (2021)**, SB 5325

Telemedicine, audio-only, delivery of services to covered persons via, reimbursement for: ***ESHB 1196, CH 157 (2021)**, SB 5325

Telemedicine, audio-only, established patient/provider relationship before providing, studying need for: ***ESHB 1196, CH 157 (2021)**

Treatment, behavioral health administrative services organizations providing, B&O tax deduction for: ***HB 1296, CH 124 (2021)**

Treatment, clubhouses and peer-run organizations for persons with mental illness, and medicaid program: SB 5328

Treatment, evaluation and treatment facilities, access to: SB 5397

Treatment, for juvenile offenders via community transition services program: ***E2SHB 1186, CH 206 (2021)**

Treatment, involuntary outpatient, court-ordered: SB 5073

Treatment, less restrictive alternative, various orders for: SB 5073

Treatment, secure withdrawal management and stabilization facilities, access to: SB 5397

Treatment, veterans, diversion from involuntary commitment to veterans administration facility: ***SHB 1314, CH 125 (2021)**

Treatment, wilderness therapy programs, business license and rules for: SB 5056

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Equipment, acquisition or use by law enforcement agencies, prohibition: ***ESHB 1054, CH 320 (2021)**

Incompatible developments near military installations, certain account-funded projects for addressing: SB 5291

Purple heart license plates, parking in space for persons with physical disabilities with: SB 5435

Purple heart, military department purple heart state account, creating: ***SHB 1250, CH 213 (2021)**

Purple heart, Washington state as a purple heart state, designating and authorizing signs indicating: ***SHB 1250, CH 213 (2021)**

U.S. army corps of engineers, navigation channel maintenance/improvements on Columbia river by, requirements exemption, when: ***SHB 1193, CH 299 (2021)**

Voting, service/overseas voters, voters' pamphlets mailing when requested by: SHB 1357

Washington state guard, members, service/retirement age of, extending, when: HB 1122

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Emergency management council, tribal members, adding: ***SB 5101, CH 233 (2021)**

Purple heart, military department purple heart state account, creating: ***SHB 1250, CH 213 (2021)**

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Hard minerals, seabed mining of, and permits or leases for, prohibiting: ***SB 5145, CH 181 (2021)**

MINORITIES (See also AFRICAN AMERICANS; DISCRIMINATION; ENVIRONMENTAL HEALTH AND SAFETY; EQUITY, WASHINGTON STATE OFFICE; INDIANS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; PROFESSIONAL EDUCATOR STANDARDS BOARD)

Boards and commissions, community participation on: SB 5105

Chinese American history month, each January as, designation of: SB 5264, SCR 8403

Community/technical colleges, equity/access in, expanding via our colleges our future act of 2021: SB 5194

Disparities, environmental health/environmental justice/equity focused tools to identify wildfire-impacted communities:

***2SHB 1168, CH 298 (2021)**

Diversity/equity/inclusion, community and technical colleges strategic plan for: SB 5194

Diversity/equity/inclusion, office of equity goals/standards relating to, review of: SB 5105

Equity impact statements for bills and other proposed legislation: SB 5274

Equity, environmental health disparities/justice/equity focused tools to identify wildfire-impacted communities: ***2SHB**

1168, CH 298 (2021)

Equity, racial, analyses of, incorporation into audits/reviews/reports by JLARC, when: SB 5405

Equity, social equity in cannabis industry, grant program/mentors roster/legislative task force/social equity license applicants: ***ESHB 1443, CH 169 (2021)**

Equity, social equity in cannabis industry, grant/pilot program/legislative task force/social equity license applicants: SB 5388

Equity-based school practices, as part of teacher and school administrator continuing education: ***ESHB 1426, CH 77 (2021)**

Health equity account, creating for statewide sweetened beverage excise tax revenue: SB 5371

Health equity account, sweetened beverage tax revenues in, community advisory board for use of, creating: SB 5371

Health equity continuing education training for health professions, requirements: SB 5229

Health equity curriculum, for medical students, development by UW/WSU schools of medicine: SB 5228

Health equity zones, identifying and creating: SB 5052

Higher education, diversity/equity/inclusion/antiracism programs and training for faculty/staff/students: SB 5227

Hospitals, information reporting by, to include race/ethnicity/gender identity/language/disability, when: ***E2SHB 1272, CH 162 (2021)**

Housing, racially disparate impacts/displacement/exclusion in, addressing at local level: ***E2SHB 1220, CH 254 (2021) PV**

Inequities, environmental health, state agency actions to reduce: SB 5141

Interpreters, for courts, for persons who have limited English proficiency and/or are deaf or hard of hearing: SB 5255

Law enforcement diversity, professional development outreach grant program: ***HB 1001, CH 52 (2021)**

Local economic inclusion grants, for local government, implementing: SB 5241

Marriage dissolution/legal separation proceedings, interpreting for limited English proficiency parties: SB 5255

Money transmitters, small, serving diverse communities, impact of de-risking on, requesting that congress act to reduce: SJM 8004

People of color, incarcerated individuals, postsecondary education participation before and after release: ***2SHB 1044, CH 200 (2021)**

Public works, alternative contracting, access for minority-owned businesses: ***SB 5032, CH 230 (2021)**

Racial equity analyses, incorporation into audits/reviews/reports by JLARC, when: SB 5405

Racism in schools, institutional, training in dismantling: SB 5044

Racism, structural, in health care, medical student training to help undo: SB 5228

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Schools, equity-based practices, as part of teacher and school administrator continuing education: ***ESHB 1426, CH 77 (2021)**

Sexual assault investigations, race/ethnicity impact on outcomes, analysis via case review program: ***ESHB 1109, CH 118 (2021)**

Students, reducing absences with multitiered and culturally/linguistically responsive supports system: SB 5153

Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: SB 5295

Vulnerable populations, protections for, via consumer protection improvement act: SB 5025

Women of color, cosmetic products with potentially harmful ingredients and marketed to, plan for testing: SB 5480

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Creative economy, state, work group to create strategic plan for, establishing: SB 5238

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All-terrain vehicles, tracked, snowmobile defined to include: ***SB 5016, CH 86 (2021)**

All-terrain vehicles, wheeled and tracked, concurrent licensing process: ***SB 5016, CH 86 (2021)**

All-terrain vehicles, wheeled, equipment requirements for: SB 5332

All-terrain vehicles, wheeled, nonresident registration exemption, when: ***SHB 1322, CH 216 (2021)**

All-terrain vehicles, wheeled, use on certain roads, multiuse roadway safety account funds use in connection with: HB 1546

All-terrain vehicles, wheeled, use on state highway segments in county with authorizing ordinance: ***EHB 1251, CH 121 (2021)**

Alternative fuel or hybrid vehicles, annual registration renewal fee for, discontinuing: SB 5308

Alternative fuel vehicles, hydrogen fuel cell electric, sales/use tax exemptions: SB 5000

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Autonomous vehicles, self-certification testing pilot program, rule adoption and enforcement: SB 5460

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Dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**

Dealers, sales transaction electronic, internet, and location options: ***EHB 1049, CH 201 (2021)**

Electric or hybrid vehicles, per mile fee on, implementation plan for fee payment and early adoption program: SB 5444, SB 5483

Electric or hybrid vehicles, when new/used passenger car/light truck, sales/use tax revenue collected on, use of: SB 5483

Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: ***E2SHB 1287, CH 300 (2021) PV**

Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: SB 5256

Electric vehicles, publicly available supply equipment and service providers for, requirements: SB 5192

Electric vehicles, supply equipment, registration fee for: SB 5192

Electric vehicles, transportation electrification fee, repealing: SB 5085

Electric vehicles, with hydrogen fuel cell, sales/use tax exemptions: SB 5000

Electric-assisted bicycles, use on trails and roads closed to motor vehicles, when: SB 5452

Electric/electric-assisted bicycles, and related cycling equipment, sales/use tax exemptions: SHB 1330

Emissions, zero emissions transportation future, state transition to, supporting: ***E2SHB 1287, CH 300 (2021) PV**

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Fees, vehicle-related, using proceeds for bond principal and interest payment, when: SB 5481

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Hybrid or electric vehicles, per mile fee on, implementation plan for fee payment and early adoption program: SB 5444, SB 5483

Hybrid or electric vehicles, when new/used passenger car/light truck, sales/use tax revenue collected on, use of: SB 5483

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License plates, for motor vehicle transporters, plates/indicator tabs/fees for and violations by: ***SHB 1269, CH 161 (2021)**

License plates, motorcycle, original issue/replacement fees, depositing portion in forward Washington account: SB 5483

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License plates, special, purple heart plates, parking in space for persons with physical disability with: SB 5435

Licensing, car tab fees, bring back our \$30 car tabs act: SB 5028

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Motorcycles, license plate original issue/replacement fees, depositing portion in forward Washington account: SB 5483

Off-road vehicles, nonresident registration exemption, removing, when: ***SHB 1322, CH 216 (2021)**

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Owners, of motor vehicles, name/address record requests by business entities, fee for, depositing in certain accounts: SB 5483

Owners, of motor vehicles, registered and legal, fees for private entity request and for record provided to private entity: SB 5483

Parts and accessories, automobile, additional sales tax on retail sales of, for transportation funding purposes: SB 5483

Registration, fees, license plate technology fee, license service fee, and certain others, depositing in certain accounts: SB 5483

Registration, motor home vehicle additional registration weight fee, increasing and depositing in certain account: SB 5483

Registration, off-road and wheeled all-terrain vehicles: ***SHB 1322, CH 216 (2021)**

Registration, vehicle renewal, owner with taxes/fees exceeding \$150, quarterly payment plan as option: SB 5448

Registration, vehicles of more than 10,000 pounds, additional freight project fee, for transportation funding purposes: SB 5483

Sales by dealers, installment transactions, rights statements, and delivery agreements: ***EHB 1049, CH 201 (2021)**

Sharing, personal vehicle sharing transactions, additional sales tax on, for transportation funding purposes: SB 5483

Snowmobiles, defined to include tracked all-terrain vehicles: ***SB 5016, CH 86 (2021)**

Snowmobiles, nonresident registration exemption, removing, when: ***SHB 1322, CH 216 (2021)**

Snowmobiles, nonresident registration exemption, when: ***SHB 1322, CH 216 (2021)**

Snowmobiles, registering in another state to avoid retail taxes, penalties: ***SHB 1322, CH 216 (2021)**

Taxation, sales/use, of motor vehicle, camper, and travel trailer purchases: SJR 8208

Taxation, sales/use, revenue for transportation without reliance on debt financing: SB 5359, SB 5449

Taxation, sales/use, revenue from, using for highway purposes: SB 5223

Titles, certificates of, application fees for, depositing portions in forward Washington account: SB 5483

Titles, certificates of, quick title service fee, depositing portion in forward Washington account: SB 5483

Tolls, for toll bridges, vehicles that may not be exempted from, listing: SB 5483

Transporters, licenses/license plates/indicator tabs for and related violations by: ***SHB 1269, CH 161 (2021)**

Trip permit fee, increasing and distributing portion to forward Washington account: SB 5483

Trucks, with pre-2007 model year, prohibiting or penalizing on port district property, prohibition of: SB 5154

Vehicles, fee transactions, recouping agency credit card/financial transaction fees via: ***HB 1115, CH 32 (2021)**, SB 5167

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BEST manufacturing act, Washington, building economic strength through manufacturing: ***SHB 1170, CH 64 (2021)**

Bring back our \$30 car tabs act, limiting state and local vehicle fees: SB 5028

Bruce Speight protect children from being exposed to lead in school drinking water act: ***E2SHB 1139, CH 154 (2021)**

Business corporation act, revisions: ***SB 5005, CH 84 (2021)**

Buy clean and buy fair Washington act, building materials production environmental/social outcomes: SB 5366

Child custody jurisdiction and enforcement act, uniform, international application of: ***HB 1042, CH 23 (2021)**

Climate commitment act, Washington, comprehensive program capping greenhouse gas emissions/criteria pollutants: SB 5126

Combatting violence, disorder, and looting and law enforcement protection act: SB 5310

Consumer protection improvement act, protecting vulnerable populations from unfair practices: SB 5025

Credit union act, Washington, revising: HB 1165

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Electronic recordation of custodial interrogations act, uniform: ***SHB 1223, CH 329 (2021)**

Electronic wills act, uniform: ***SB 5132, CH 140 (2021)**

Equitable access to credit act, Washington, for underserved communities: E2SHB 1015

Fair campaign practices act, prohibiting sanctions enjoining person from election participation: SB 5109

Fair start for kids act, stabilizing child care industry and expanding early childhood programs access: E2SHB 1213, SB 5237

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Fiduciary income and principal act, uniform: ***SB 5132, CH 140 (2021)**

Foreclosure fairness act, assistance provisions of, temporary expansion of applicability: ***ESHB 1108, CH 151 (2021)**

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Guardianship, conservatorship, and other protective arrangements act, uniform, effective date, references to: ***EHB 1192, CH 65 (2021)**

Health emergency labor standards act: SB 5115

Healthy homes and clean buildings act, reducing greenhouse gas emissions via decarbonization: SB 5093

Heather "Newsbrooke" Brooke, Ph.D. act, creating revised Washington state open public meetings act via: ESHB 1329

Interstate nurse licensure compact of 2021, multistate licensing: SB 5247

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Keeping families together act, rights of families responding to child abuse/neglect allegations: ***E2SHB 1227, CH 211 (2021)**

Land use petition act, transfer of land use decision judicial review to court of appeals: ***SB 5225, CH 305 (2021)**

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Nonprofit corporation act, Washington, repealing existing and replacing with new: SB 5034

Our colleges our future act of 2021, expanding equity and access in community and technical colleges: SB 5194

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Public broadband act, telecommunications services/facilities for end users, public entity authority for: ***ESHB 1336, CH 294 (2021) PV**

Safe leave act for Washington railroad workers: SB 5065

Serious homelessness engagement leads to effective results (SHELTER) act: SB 5107

Solitary confinement restriction act, restrictions on/allowed uses of solitary confinement in correctional facilities: SB 5413

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Sustainable transformative recovery opportunities for the next generation act, Washington, imposing carbon pollution tax: SB 5373

Toxic-free cosmetics act: SB 5480

Uniform child custody jurisdiction and enforcement act, international application of: ***HB 1042, CH 23 (2021)**

Uniform electronic recordation of custodial interrogations act: ***SHB 1223, CH 329 (2021)**

Uniform electronic wills act: ***SB 5132, CH 140 (2021)**

Uniform fiduciary income and principal act: ***SB 5132, CH 140 (2021)**

Uniform powers of appointment act: ***SB 5132, CH 140 (2021)**

Uniform pretrial release and detention act: SB 5307

Uniform public expression protection act: SB 5009

Uniform real property electronic recording act, repealing as title and revising chapter: ***SB 5019, CH 137 (2021)**

Voter confidence act, measures to increase voter confidence and determine number of cases of improper voting: SB 5434

Washington BEST manufacturing act, building economic strength through manufacturing: ***SHB 1170, CH 64 (2021)**

Washington climate commitment act, comprehensive program capping greenhouse gas emissions/criteria pollutants: SB 5126

Washington equitable access to credit act, for underserved communities: E2SHB 1015

Washington privacy act, personal data privacy: SB 5062

Washington sustainable transformative recovery opportunities for the next generation act, imposing carbon pollution tax: SB 5373

Washington wage recovery act, wage liens: SB 5355

Welcome to Washington act, litter prevention messaging/emphasis patrols/clean-up activities on highway ramps/pickup: ***SB 5040, CH 231 (2021)**

Wildfire response, forest restoration, and community resilience act: ***2SHB 1168, CH 298 (2021)**

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Utility wildland fire prevention task force, recommendations of, implementing, DNR role: ***ESB 5158, CH 183 (2021)**

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Wildland fire aviation program and support plan, provisions: ***2SHB 1168, CH 298 (2021)**

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Public facilities, in rural counties, local sales/use tax for, extending expiration of: SHB 1333

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 Foreclosure, foreclosure mediation program and federally insured depository institutions: ***ESHB 1108, CH 151 (2021)**
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 Real property, sales under execution, electronic media use for: ***EHB 1271, CH 122 (2021)**
 Recording standards for documents, uniform, and recording standards commission: ***SB 5019, CH 137 (2021)**
 Residential property, homestead state property tax exemption for portion of assessed value of, when: SB 5463, SJR 8206
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 Disclosure, exemptions, disease/notifiable condition/public health threat personal identifying information: HB 1328
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Apostasy, foreign country death penalty for, protection in child custody determinations against: ***HB 1042, CH 23 (2021)**

Belief or practice, sincerely held, foreign country death penalty for, protection in child custody determinations against: ***HB 1042, CH 23 (2021)**

Immunization, requiring for COVID in spite of religious objections, prohibiting: SB 5144

Institutions and venues, religious and sectarian, "open safe, open now" plan Phase 3 regulations capacity limits: SB 5473

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Vaccination, requiring for COVID in spite of religious objections, prohibiting: SB 5144

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Gender neutral language, code improvement for, repealing obsolete section requiring: ***EHB 1192, CH 65 (2021)**

Obsolete language, removing from RCW: ***EHB 1192, CH 65 (2021)**

Technical corrections, making various: ***EHB 1192, CH 65 (2021)**

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Columbia river basin project, groundwaters from, agreements for, area/subarea establishment prior to: SB 5230

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Navigation channel maintenance/improvements on Columbia river, by U.S. army corps of engineers, requirements exemption, when: ***SHB 1193, CH 299 (2021)**

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State highways, wheeled all-terrain vehicle use on, when segment in county with authorizing ordinance: ***EHB 1251, CH 121 (2021)**

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Toll facilities, Tacoma Narrows bridge, toll relief for users of: SB 5483

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Bags, carryout, compliant paper, use of nonwood renewable fiber derived from wheat straw in: ***SHB 1145, CH 33 (2021)**

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Epilepsy/seizure disorders, students with, requirements, model policy/procedure for, WSSDA role: ***SHB 1085, CH 29 (2021)**

Government-to-government task force, tribal consultation training and schedule: SB 5252

Indian tribes and school districts, data sharing agreements between, model for: SB 5252

Indian tribes and school districts, tribal councils and boards, regional meetings: SB 5252

Native education, office of, WSSDA partnering with, for certain data gathering: SB 5252

Racism, institutional, training for school boards in dismantling, role of association: SB 5044

Stress, secondary traumatic, in K-12 workforce, model policy/procedure to prevent/address, WSSDA role: ***SHB 1363, CH 129 (2021)**

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Administrators, continuing education, to include equity-based practices/national standards/tribes: ***ESHB 1426, CH 77 (2021)**

Administrators, preparation programs, Indian history/culture/government in: SB 5161

Attendance, community truancy boards, renaming as community engagement boards: ***ESHB 1113, CH 119 (2021)**, SB 5153

Attendance, eliminating or reducing absences, best practice guidance for: ***ESHB 1113, CH 119 (2021)**

Attendance, reducing absences with multitiered and culturally/linguistically responsive supports system: SB 5153

Attendance, unexcused absences and truancy petitions: ***ESHB 1113, CH 119 (2021)**, SB 5153

Bonds and payment levies, school district, at least 55% of voters to authorize: SB 5386, SJR 8204

Buildings, public school, statewide first responder building mapping information system data, transfer to OSPI: ***SHB 1484, CH 223 (2021)**

Buses, drivers employed by private entity contractor, entity to provide health/pension benefits for: SB 5326

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Charter schools, college in the high school programs, provisions governing: ***SHB 1302, CH 71 (2021)**

Charter schools, establishing, extending time frame for: SB 5443

Charter schools, K-12 safety and security services and staff, requirements and training: ***ESHB 1214, CH 38 (2021)**

Charter schools, resumption of in-person instruction, as required learning option, when: SB 5464

Chinese American history month, each January as, designation of, and school activities commemorating: SB 5264, SCR 8403

College in the high school programs, including charter and tribal schools, provisions governing: ***SHB 1302, CH 71 (2021)**

College in the high school programs, statutory provisions governing, reorganizing and clarifying: ***SHB 1302, CH 71 (2021)**

Communism, history and negative effects of, studying, as graduation requirement: SB 5374

Computer science, certificated teacher endorsements in elementary and secondary, developing standards for: SB 5389

Computer science, substituting for 3rd-year math or science course, for purposes of graduation requirements: ***SB 5299, CH 307 (2021)**

Constitution, U.S., study of, meeting graduation requirement via heritage guide to constitution: SB 5374

Construction, personal service contracts, public works contractor criteria: SB 5017

Contracts, public works/procurement, exempt from certain bidding requirements, awarding to small businesses, when: SB 5458

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COVID-19, elementary/secondary school emergency relief fund, using freed-up federal coronavirus funds for: ***ESHB 1368, CH 3 (2021)**, SB 5344

COVID-19, enrichment levies, formulas for, using 2019-2020 enrollments, when: ***ESHB 1476, CH 221 (2021)**

COVID-19, governor emergency education relief fund, using freed-up federal coronavirus funds for: ***ESHB 1368, CH 3 (2021)**, SB 5344

COVID-19, learning loss/missed extracurricular activities, bridge year pilot program establishment to address: SB 5265

COVID-19, school opening metrics for education modality, positivity standard as basis: SB 5037

COVID-19, school opening requirements under "open safe, open now" Phase 3 regulations: SB 5473

COVID-19, school resumption of in-person instruction, as required learning option, when: SB 5464

Diplomas, withholding for student damage to property, requirements when: ***ESHB 1176, CH 120 (2021)**

Discipline, actions due to student damage to property, revising provisions: ***ESHB 1176, CH 120 (2021)**

Districts, boards of directors, qualifications for director candidates: SB 5340

Districts, funds, depreciation subfund for facility/equipment needs, establishing: SB 5202

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Education ombuds, office of, services available through, notifications by public schools of: SB 5376

Educational service districts, learning devices, technology consultation/procurement/training for school districts: ***E2SHB 1365, CH 301 (2021)**

Employees, housing for, school district role and tax exemption: SB 5043

Employees, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: ***SHB 1363, CH 129 (2021)**

Extended learning opportunity program, expanding to include 9th and 10th grades: ***SHB 1208, CH 111 (2021)**

Facilities/equipment, depreciation subfund for, establishing: SB 5202

Foster care, students in, building point of contact in all K-12 public schools for: ***SB 5184, CH 95 (2021)**

Grades/transcripts, withholding for student damage to property, prohibiting: ***ESHB 1176, CH 120 (2021)**

Graduation requirements, career and college ready, provisions: SHB 1162

Graduation requirements, changes to and emergency waivers of: SHB 1162

Graduation requirements, communism, history and negative effects of, studying: SB 5374

Graduation requirements, credit/subject area, emergency waivers for individual students: ***EHB 1121, CH 7 (2021)**

Graduation requirements, graduation pathway options, performance exhibition as additional option: SHB 1162

Graduation requirements, minimum, reducing credit requirement: SHB 1162

Graduation requirements, substituting computer science for 3rd-year math or science course: ***SB 5299, CH 307 (2021)**

Graduation requirements, U.S. constitution, study of, meeting via heritage guide to constitution: SB 5374

Health centers, school-based health center program office, establishing: ***SHB 1225, CH 68 (2021)**

Health, epilepsy/seizure disorders, students with, health plans and parent-designated adults for: ***SHB 1085, CH 29 (2021)**

Health, medication administration, certain nasal sprays, revising provisions: ***SHB 1085, CH 29 (2021)**

Health/behavioral health, school-based health center program office, establishing: ***SHB 1225, CH 68 (2021)**

Health/behavioral health, suicide prevention/mental health/substance use/eating disorders information for students: ***SHB 1373, CH 167 (2021)**

Immunization, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: SB 5144

Indian history/culture/government of nearest tribe, in social studies: SB 5161

Indian names/symbols/images, as school mascots/logos/team names, prohibition, compliance transitional support grants: ***SHB 1356, CH 128 (2021)**

Indian names/symbols/images, use by public schools as mascots/logos/team names, prohibiting: ***SHB 1356, CH 128 (2021)**, SB 5450

Indian tribal consultation training and schedule, school district collaboration on: SB 5252

Indian tribal schools, lead in drinking water, sampling/testing at outlets for, opting into: ***E2SHB 1139, CH 154 (2021)**

Indian tribal schools, resumption of in-person instruction, as required learning option, when: SB 5464

Indian tribes and districts, data sharing agreements between, model for: SB 5252

Indian tribes and districts, tribal councils and boards, regional meetings: SB 5252

Institutional education program, for youth in/released from secure facilities, duties of agencies and advisory group: ***E2SHB 1295, CH 164 (2021)**

- Institutional education program, institutional education structure and accountability advisory group, establishing: ***E2SHB 1295, CH 164 (2021)**
- Institutional education system, reformed, establishment/implementation/funding recommendations: ***E2SHB 1295, CH 164 (2021)**
- K-12 schools, public and private, education vouchers for, at request of parents: SB 5205
- Learning assistance program, addressing COVID-related academic/nonacademic needs using appropriations for: ***SHB 1208, CH 111 (2021)**
- Learning devices, technology consultation/procurement/training for local school districts: ***E2SHB 1365, CH 301 (2021)**
- Learning devices, technology grant program, establishing, OSPI role: ***E2SHB 1365, CH 301 (2021)**
- Learning devices, technology initiatives and school/school district progress toward goals: ***E2SHB 1365, CH 301 (2021)**
- Learning loss/missed extracurricular activities due to COVID, bridge year pilot program, establishing: SB 5265
- Levies for schools, authorization of, information for public about, district to use standardized template for: SB 5334
- Levies for schools, enrichment, calculating authority for, using 2019-2020 enrollments, when: ***ESHB 1476, CH 221 (2021)**
- Levies for schools, school district bond payment, at least 55% of voters to authorize: SB 5386, SJR 8204
- Levies for schools, state/local enrichment, single-family homes with children home-/private-schooled, exemption: SB 5257
- Mascots/logos/team names, public school use of Native American names/symbols/images as, prohibiting: ***SHB 1356, CH 128 (2021)**, SB 5450
- Mastery-based learning, barriers to, work group on, cross-disciplinary student skills profile, developing: SB 5249
- Meal programs, reduced-price lunches, eliminating copays: ***EHB 1342, CH 74 (2021)**
- Media literacy and digital citizenship, regional conferences on, convening: ***E2SHB 1365, CH 301 (2021)**
- Media literacy and digital citizenship, supporting through district leadership teams, grant program: ***E2SHB 1365, CH 301 (2021)**, SB 5242
- Menstrual hygiene products, in gender-neutral and female-student bathrooms, providing: ***ESHB 1273, CH 163 (2021)**, SB 5070
- Menstrual hygiene products, in school health room/other location in school with grades 3 through 5, providing: ***ESHB 1273, CH 163 (2021)**
- Principals, preparation programs, Indian history/culture/government in: SB 5161
- Private schools and tutoring services, student scholarship organizations providing scholarships for: SB 5200
- Private schools, instructional hours and days/year, emergency waiver: ***EHB 1131, CH 8 (2021)**
- Private schools, K-12 education vouchers for public and, at request of parents: SB 5205
- Professional learning days, for institutional education program staff: ***E2SHB 1295, CH 164 (2021)**
- Professional learning days, training in equity/diversity/inclusion/antiracism/cultural competency: SB 5044
- Racism, institutional, training for staff/boards/superintendents in dismantling: SB 5044
- Residential schools, institutional education program, duties of agencies and structure/accountability advisory group: ***E2SHB 1295, CH 164 (2021)**
- Safety/security services, K-12, provided by classified staff or contractors, requirements and training program: ***ESHB 1214, CH 38 (2021)**
- Sports, high school, bridge year pilot program for addressing missed opportunities, establishing: SB 5265
- Sports, school team names, using Native American names/symbols for, prohibiting: ***SHB 1356, CH 128 (2021)**, SB 5450
- Staff, equity/diversity/inclusion/antiracism/cultural competency training for: SB 5044
- Staff, secondary traumatic stress in K-12 workforce, model policy/procedure to prevent/address: ***SHB 1363, CH 129 (2021)**
- Student learning, center for improvement of, duties: ***SHB 1208, CH 111 (2021)**
- Students not meeting academic standards, performance goals for, adopting/revising: ***SHB 1208, CH 111 (2021)**
- Students, with disabilities, improving attendance via necessary services: SB 5153
- Students, with epilepsy/seizure disorders, health plans and parent-designated adults: ***SHB 1085, CH 29 (2021)**
- Teachers, certification, cultural competency standards, rubric for measuring: SB 5057
- Teachers, continuing education, to include equity-based school practices: ***ESHB 1426, CH 77 (2021)**
- Teachers, housing for, school district role and tax exemption: SB 5043
- Teachers, residency certification, evaluation and recommendation for: ***E2SHB 1028, CH 198 (2021)**

Teachers, residency certification, evidence-based assessment of teaching effectiveness for, repealing: ***2SHB 1028, CH 198 (2021)**

Teachers, residency certification, removing assessment requirement for: SB 5057

Teachers, training in equity/diversity/inclusion/antiracism/cultural competency for: SB 5044

Transportation, during emergency, expanded services/funds allocation calculations, during remote instruction: SB 5128

Transportation, private entity contractors providing, entity to provide health/pension benefits for its employees: SB 5326

Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, prohibiting: SB 5144

Water, lead in, sampling/testing at drinking water outlets, requirements: ***E2SHB 1139, CH 154 (2021)**

Year, 12-month school, extending number of days to, program for: SB 5147

SCIENCE (See also COMPUTERS; MANUFACTURING AND TECHNOLOGY; SCHOOLS AND SCHOOL DISTRICTS; SCIENCE, WASHINGTON ACADEMY OF)

Best available science, using for critical areas and fish/wildlife habitat conservation areas under GMA: SB 5314

Youth educational programming, capital facilities used for, deferred local sales/use tax funds use for: SB 5080

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Pinniped predation, effect on chinook salmon, appropriate management actions, management panel to assess: SB 5404

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Archivist, chief, secretary document recording standards role as: ***SB 5019, CH 137 (2021)**

Fiscal impact statements, for measures increasing/decreasing state tax revenues, deadline for filing with secretary: SHB 1357

Recording standards commission, creating/appointing, secretary role: ***SB 5019, CH 137 (2021)**

Recording standards for documents, uniform, secretary rule-making authority: ***SB 5019, CH 137 (2021)**

Voter registration system, security test under SECURE act of, secretary to contract for: SB 5382

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Property tax exemption program, combined disposable income, thresholds for, calculating and adjusting: SB 5337

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Property tax exemption program, disposable income, deducting medigap/medicare supplement premiums from: SB 5305

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Property tax exemption program, qualifying disposable income of at least one spouse/domestic partner: SB 5290

Property tax exemption, for all real property owned by persons 75 or older: SB 5289

Property taxes/assessments, deferral program, at least one spouse/domestic partner, qualifying disposable income: SB 5290

Supplemental security income, recipients of, B&O/public utility tax credits for employers hiring: SB 5358

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Interest/investment earnings, on public funds, public depositaries receiving, B&O tax deduction for: SB 5445

Investment projects in high unemployment counties, sales/use tax deferral for: SB 5029

Investment projects, small or advanced nuclear reactors, sales/use tax deferrals, extending expiration of: SB 5244

Job seekers, hard-to-place, B&O and public utility tax credits for employers hiring: SB 5358
 Main street program, tax credit for contributions to, additional credit on top of: ***SHB 1279, CH 112 (2021)**
 Manufactured/mobile home community landlords, property tax exemption for, when: SB 5319
 Manufacturers and processors for hire, lowering B&O tax rate to 0.00: SB 5422, SB 5440
 Marijuana, medical use, excise tax exemption for sales, when: SB 5004
 Mobility enhancing equipment, sales and use tax exemptions: SB 5324
 Motor vehicle dealers, cash incentives from manufacturers for retail sales, B&O tax deduction for: ***HB 1495 (2021) V**
 Nuclear technology, small or advanced reactors, as eligible investment projects, sales/use tax deferrals: SB 5244
 Preferences, claimed by local government entities and nonprofit organizations, disclosure of: SB 5216
 Preferences, generally, data collection standards and benefits/outcomes analysis, improving: SB 5216
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 Property tax exemption program, for seniors/veterans/retired-disabled, various provisions: ***SHB 1438, CH 220 (2021),**
 SB 5216, SB 5290, SB 5305, SB 5337, SB 5391
 Property tax exemption, for all real property owned by persons 75 or older: SB 5289
 Property tax exemption, for improvements to single-family dwellings damaged by natural disaster: ***ESB 5454, CH 192**
(2021)
 Property tax exemptions, application or renewal declaration, penalty for late filing, repealing: SB 5113
 Property taxes, state, homestead exemption from: SB 5463
 Property taxes, state, homestead exemption from, constitutional amendment to allow: SJR 8206
 Property taxes, state, residential real property exemption from, when: SB 5463
 Property taxes, state, residential real property exemption from, when, constitutional amendment for: SJR 8206
 Property taxes, state/school enrichment, single-family homes with children home-/private-schooled, exemption: SB 5257
 Property taxes, when property used for business purposes experiences revenue reduction, tax deferral: SB 5402
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***ESHB 1332, CH 73 (2021)**
 Property taxes/assessments, deferral program, for seniors and retired-disabled persons, various provisions: SB 5290
 Research and development tax incentives, JLARC review of: SB 5216
 Ride sharing, commuter ride sharing renamed as, expanding sales/use/motor vehicle excise tax exemptions eligibility of:
***SHB 1514, CH 135 (2021),** SB 5457
 Salmon, restoration, grants for, B&O tax deduction and sales tax exemption for: ***ESB 5220, CH 143 (2021)**
 School district employees, housing for, leasehold excise tax exemption: SB 5043
 Student scholarship organizations, for private schools/tutoring services scholarships, tax credits for: SB 5200
 Unmanned aircraft systems, commercial, adding to "commercial airplane" for certain tax preferences: SB 5350
 Utilities, public utility tax credit in connection with customer payment plans and partial arrearages forgiveness: SB 5472
 Vapor products, taxed at wholesale level prior to new effective date, tax credit, when: SB 5266
 Vegetables/fruit, manufacturer B&O tax exemption, employment/labor/civil rights adjudications disclosure for: SB 5281
 Wealth tax, Washington state, certain exemptions and credits in connection with: SB 5426
 Wineries, small, liquor excise tax on sales, exemption: SB 5001
 Working families' tax exemption, providing sales/use tax exemption, updating and simplifying: ***ESHB 1297, CH 195**
(2021), SB 5387, SB 5424

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Airport aid grant program, airport projects through, aircraft fuel sales/use tax funds use for, tracking: SB 5329
 Distributors, excise tax levied upon, increasing rate for transportation funding purposes: SB 5483
 Revenues, sales and use tax, deposits into aeronautics account: SB 5329

TAXES - BUSINESS AND OCCUPATION (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Marijuana/marijuana products, wholesale sales of, persons making, B&O tax rate and surcharge for: SB 5365
 Surcharge for workforce education investment, B&O tax surcharge for, modifying: SB 5194

TAXES - EXCISE (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Beverages, sweetened, statewide general excise tax on distributors of, for deposit into health equity account: SB 5371
 Capital gains tax, gains from sale/exchange of certain long-term capital assets: SB 5096
 Capital gains tax, long-term, imposing: SB 5204

Carbon pollution tax on sale/use of fossil fuels, imposing: SB 5373
 Commuter ride sharing, renaming as ride sharing, for purposes of certain excise tax preferences: ***SHB 1514, CH 135 (2021)**, SB 5457
 Legal services, "sale at retail" and "retail sale" to apply to, for excise tax purposes: SB 5422
 Liability for tax, when statute is repealed/expires/is amended and liability accrued before effective date: SB 5251
 Liquor excise taxes, wine sales by small winery, exemption: SB 5001
 Lodging, special taxes on sale of: SB 5012
 Modifications to provisions, including clarifications/corrections/efficiencies/easing compliance burdens: SB 5251
 Statewide 988 behavioral health crisis response and suicide prevention line tax, on use of access and service lines, imposing: ***E2SHB 1477, CH 302 (2021)**
 Statewide 988 behavioral health crisis response line tax, on use of radio access lines, imposing: SB 5209

TAXES - HAZARDOUS SUBSTANCES

Motor vehicle fund, hazardous substances pollution tax deposits in, provisions: SB 5483

TAXES - LODGING

Sale of lodging, special excise taxes on: SB 5012
 Sale of lodging, special excise taxes on, using for housing/facilities for homeless youth: ***ESHB 1070, CH 27 (2021)**

TAXES - MOTOR VEHICLE EXCISE

Collection of tax by vehicle dealers, to recover administrative costs, raising limit per vehicle sale or lease: SB 5483
 Vehicle registration, renewal, owner with taxes/fees exceeding \$150, quarterly payment plan as option: SB 5448

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Fuel licensees, imposing additional and cumulative rate on, for transportation funding purposes: SB 5483
 Revenue from fuel excise tax, bond principal and interest payment using, when: SB 5481
 Revenue from fuel excise tax, refunds from motor vehicle fund for distribution to certain accounts: SB 5483

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Collection of taxes, during public health crises, modifications for continuity of operations: ***EHB 1271, CH 122 (2021)**
 Delinquent taxes, interest assessed prior to payment agreement on, due and payable: ***ESHB 1410, CH 257 (2021)**
 Delinquent taxes, interest rate for, reducing, when: ***ESHB 1410, CH 257 (2021)**
 Delinquent taxes, penalties on, eliminating, when: ***ESHB 1410, CH 257 (2021)**
 Fees, penalty for late filing of exemption application or renewal declaration, repealing: SB 5113
 Game lands, DFW, payments to counties in lieu of property taxes: ***SB 5159, CH 184 (2021) PV**
 Interest/penalties suspension and payment extensions/tax deferral, due to COVID emergency: SB 5402
 Levies, certification by county of, dates for: ***SHB 1309, CH 42 (2021)**
 Levies, for park and recreation districts, rate limit for island district in county of 2 million or more: ***HB 1034, CH 117 (2021)**
 Levies, for public improvements, increment financing by local governments via tax increment financing areas: ***ESHB 1189, CH 207 (2021)**, SB 5211
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 Levies, for schools, authorization of, information for public about, district to use standardized template for: SB 5334
 Levies, for schools, enrichment, calculating authority for, using 2019-2020 enrollments for: ***ESHB 1476, CH 221 (2021)**
 Levies, for schools, state property tax, homestead exemption from, when: SB 5463
 Levies, for schools, state property tax, homestead exemption from, when, constitutional amendment to allow: SJR 8206
 Levies, for schools, state property tax, residential real property exemption from, when: SB 5463
 Levies, for schools, state property tax, residential real property exemption from, when, constitutional amendment for: SJR 8206
 Levies, for schools, state/local enrichment, single-family homes with children home-/private-schooled, exemption: SB 5257
 Levies, King county, inapplicability of supplanting limitations for, when: ***E2SHB 1069, CH 296 (2021) PV**
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 Open space land, providing pollinator habitat through management practices in conservation plan: SB 5253

Payment extension/tax deferral via payment plan for properties used for business, due to COVID emergency: ***ESHB 1332, CH 73 (2021)**

Revenue, reduction due to COVID emergency, payment agreements for taxes on property granted a deferral: SB 5402
 Revenue, reduction due to COVID emergency, payment plans for taxes on property granted a deferral: ***ESHB 1332, CH 73 (2021)**

State property tax, homestead exemption from, when: SB 5463

State property tax, homestead exemption from, when, constitutional amendment to allow: SJR 8206

State property tax, residential real property exemption from, when: SB 5463

State property tax, residential real property exemption from, when, constitutional amendment for: SJR 8206

Timber, privately owned, purchaser of, reporting requirements: ***HB 1055, CH 24 (2021)**

True and fair value, reduction in, as destroyed property or due to public health emergency use restrictions: SB 5282

True and fair value, reduction in, payment agreements, prohibiting assessment of interest or penalties, when: SB 5282

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Affordable housing or shelter units, residents of, revenue use for services for: ***E2SHB 1069, CH 296 (2021) PV**

Affordable housing, increasing by establishing real estate excise tax density incentive zones: 2SHB 1157, SB 5390

Affordable housing, increasing supply through GMA and real estate excise tax revenue: 2SHB 1157

Capital projects, local government, operation and maintenance, revenue use for: ***E2SHB 1069, CH 296 (2021) PV**

TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - USE)

American dream homes, tax distributions for cities and counties: SB 5189

Automobile parts and accessories, additional sales tax on retail sales of, for transportation funding purposes: SB 5483

Car sharing programs, personal vehicle sharing transactions, additional sales tax on, for transportation funding purposes: SB 5483

Electric or hybrid vehicles, when new/used passenger car/light truck, sales tax revenue collected on, use of: SB 5483

Equine-related products, sales tax on, use of revenues for equine activities involving horse racing: SB 5364

Fairs, area and county, state retail sales tax on sales at, deposit into fair fund to assist fairs: SB 5362

Hybrid or electric vehicles, when new/used passenger car/light truck, sales tax revenue collected on, use of: SB 5483

Legal services, "sale at retail" and "retail sale" to apply to, for excise tax purposes: SB 5422

Local sales/use, affordable housing acquisition with revenues from: ***ESHB 1070, CH 27 (2021)**

Local sales/use, chemical dependency/mental health treatment programs, capital projects for: ***E2SHB 1069, CH 296 (2021) PV**

Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: ***E2SHB 1069, CH 296 (2021) PV**

Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: ***SHB 1155, CH 297 (2021)**

Local sales/use, emergency medical services purposes as permissible use: SB 5341

Local sales/use, for public facilities in rural counties, extending expiration of: SHB 1333

Local sales/use, local parks funding: SB 5006

Local sales/use, mitigating lost sales tax revenues, creating manufacturing and warehousing job centers account for: ***ESHB 1521, CH 83 (2021)**, SB 5446

Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: SB 5080

Lodging, sales of less than one month of, sales/use tax applicability: ***E2SHB 1069, CH 296 (2021) PV**

Motor vehicle sales/use tax revenues, using for highway purposes: SB 5223

Motor vehicle sales/use tax revenues, using for transportation funding not reliant on debt financing: SB 5359, SB 5449

Motor vehicle, camper, and travel trailer purchases, revenue for highway use: SJR 8208

Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***SHB 1322, CH 216 (2021)**

Projects, transportation, DOT expenditures for, sales/use tax revenues from, using for transportation purposes: SB 5466

Rental car companies, retail car rentals, additional sales tax on, for transportation funding purposes: SB 5483

Snowmobiles, registering in another state to avoid retail taxes, penalties: ***SHB 1322, CH 216 (2021)**

TAXES - TOBACCO AND TOBACCO PRODUCTS (See also TOBACCO AND TOBACCO PRODUCTS)

Manufacturers and distributors, tobacco products surcharges in addition to tax: SB 5266

TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - SALES)

Electric or hybrid vehicles, when new/used passenger car/light truck, use tax revenue collected on, use of: SB 5483
 Hybrid or electric vehicles, when new/used passenger car/light truck, use tax revenue collected on, use of: SB 5483
 Local sales/use, affordable housing acquisition with revenues from: ***ESHB 1070, CH 27 (2021)**
 Local sales/use, chemical dependency/mental health treatment programs, capital projects for: ***E2SHB 1069, CH 296 (2021) PV**
 Local sales/use, criminal justice purposes, for homelessness reduction/behavioral health: ***E2SHB 1069, CH 296 (2021) PV**
 Local sales/use, emergency communication systems, revenue distribution, county-city interlocal agreements: ***SHB 1155, CH 297 (2021)**
 Local sales/use, for public facilities in rural counties, extending expiration of: SHB 1333
 Local sales/use, local parks funding: SB 5006
 Local sales/use, youth educational programming, deferred tax funds use for capital facilities used for: SB 5080
 Lodging, sales of less than one month of, sales/use tax applicability: ***E2SHB 1069, CH 296 (2021) PV**
 Motor vehicle sales/use tax revenues, using for highway purposes: SB 5223
 Motor vehicle sales/use tax revenues, using for transportation funding not reliant on debt financing: SB 5359, SB 5449
 Motor vehicle, camper, and travel trailer purchases, revenue for highway use: SJR 8208
 Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***SHB 1322, CH 216 (2021)**
 Projects, transportation, DOT expenditures for, sales/use tax revenues from, using for transportation purposes: SB 5466
 Snowmobiles, registering in another state to avoid retail taxes, penalties: ***SHB 1322, CH 216 (2021)**
 Vessels, owners with nonresident vessel permit for charter with captain or crew to be subject to use tax: ***SHB 1107, CH 150 (2021)**

TAXES - VAPOR PRODUCTS (See also VAPOR PRODUCTS)

Bundled transactions including a vapor product, imposing tax on entire selling price of: SB 5266
 Indian retailers, exemption from vapor products taxes, when: SB 5266
 Wholesale tax rate, vapor products taxed prior to new effective date at, tax credit, when: SB 5266

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Using vessel on waters of state, increasing annual tax and depositing increase in forward flexible account: SB 5483

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Advisory votes on tax legislation, repealing/removing from statutes: SB 5182
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 Revenues, existing local, supplanting of and flexibility with, during COVID-19 emergency: ***E2SHB 1069, CH 296 (2021) PV**
 Revenues, state tax, measures increasing/decreasing, fiscal impact statements for, deadline for filing of: SHB 1357
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911, enhanced service, state coordination office, 988 crisis hotline system role of: SB 5209
 911, enhanced service, state coordination office, 988 crisis hotline/call center hubs/crisis system role of: ***E2SHB 1477, CH 302 (2021)**
 988 crisis hotline, coordination with crisis call center hubs and behavioral health crisis response system: ***E2SHB 1477, CH 302 (2021)**
 988 crisis hotline, coordination with crisis hotline centers, 911 systems, and behavioral health crisis system: SB 5209
 988, statewide behavioral health crisis response and suicide prevention line account, creating: ***E2SHB 1477, CH 302 (2021)**
 988, statewide behavioral health crisis response and suicide prevention line tax, on use of access and service lines, imposing: ***E2SHB 1477, CH 302 (2021)**
 988, statewide behavioral health crisis response line account, creating: SB 5209
 988, statewide behavioral health crisis response line tax, on use of radio access lines, imposing: SB 5209
 Broadband access, increasing in unserved areas, competitive grant program for, establishing: SB 5357

Broadband fiber connections, missing, and inadequate service in unserved/underserved areas, addressing via highways:

***ESHB 1457, CH 258 (2021)**

Broadband infrastructure, capital broadband investment acceleration program, creating: SB 5357

Broadband installation along highways, informing facility owners of projects to enable coordination, when: ***ESHB 1457, CH 258 (2021)**

Broadband installation along state highways, provider registration for coordinating, when: SB 5439

Broadband internet services, providing to unserved areas via infrastructure, tax credits for: SB 5110

Broadband internet services, virtual private network service, provider to offer: SB 5112

Broadband office, governor's statewide, duties of, various: ***ESHB 1336, CH 294 (2021) PV, *ESHB 1457, CH 258 (2021)**, SB 5357, SB 5383, SB 5439

Broadband services, open access networks, grant/loan program for developing: SB 5175

Broadband services, provider data caps during state of emergency, prohibiting: SB 5470

Broadband services, retail, in unserved areas, provided by public entities, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Broadband services, retail, in unserved areas, provided by public utility districts, authority/process for: SB 5383

Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: ***ESHB 1336, CH 294 (2021) PV**

Cloud computing services, 3rd-party commercial, state agency adoption of and migration to: ***E2SHB 1274, CH 40 (2021)**

Cloud computing services, 3rd-party, task force on cloud transition, establishing: ***E2SHB 1274, CH 40 (2021)**

Contractor license, for work on property offered for sale within 24 months after purchase, requiring: SB 5267

COVID-19 contact tracing, individual's health data collected via digital tools and used for, protections for: ***2SHB 1127 (2021) V**

Digital citizenship, media literacy and, regional conferences on, convening: ***E2SHB 1365, CH 301 (2021)**

Digital citizenship, media literacy and, supporting through school district leadership teams, grant program: ***E2SHB 1365, CH 301 (2021)**, SB 5242

Internet, access to, permitting/taxation/standards modifications for companies and facilities to increase: SB 5110

Internet, broadband services, open access networks, grant/loan program for developing: SB 5175

Internet, broadband services, provider data caps during state of emergency, prohibiting: SB 5470

Internet, broadband services, providing to unserved areas via infrastructure, tax credits for: SB 5110

Internet, broadband services, retail, in unserved areas, provided by public entities, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Internet, broadband services, retail, in unserved areas, provided by public utility districts, authority/process for: SB 5383

Internet, broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Internet, broadband services, virtual private network service, provider to offer: SB 5112

Internet, broadband services, wholesale telecommunications services provided by PUDs, authority for, when: ***ESHB 1336, CH 294 (2021) PV**

YES tip line program, for tips concerning risks to safety/well-being of youth, establishing: SB 5327

TELEVISION AND TELEVISIONS

Closed captioning, on televisions in places of public accommodation or for sale in public area: ***SB 5027, CH 229 (2021)**

Creative economy, state, work group to create strategic plan for, establishing: SB 5238

Media literacy and digital citizenship, regional conferences on, convening: ***E2SHB 1365, CH 301 (2021)**

Media literacy and digital citizenship, supporting through district leadership teams, grant program: ***E2SHB 1365, CH 301 (2021)**, SB 5242

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Creative economy, state, work group to create strategic plan for, establishing: SB 5238

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Enforcement, controlled purchases including persons under 21 for: SB 5129
 Manufacturers and distributors, tobacco products surcharges: SB 5266
 Menthol-flavored tobacco products, sales of, prohibiting: SB 5266
 Purchase/possession, by person under age 18, prohibition/civil infraction, repealing: SB 5129
 Purchase/possession, by person under age 18, seizure of products, officer authority for, removing: SB 5129
 Purchasing/possessing, person who is, determination of age, officer authority to detain for, removing: SB 5129

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Vehicle recovery/impound/storage charges, when damage to public highways, payment to tow truck operator: SB 5406

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Commute trip reduction program, statutes governing, report regarding, DOT role: *SHB 1514, CH 135 (2021)
 Control, single flagger at intersection, authority to direct traffic without officer present, when: SB 5354
 Damage to public highways, vehicle operator liability for tow truck operator charges due to, when: SB 5406
 Disorderly conduct, provisions involving liability when operating a motor vehicle: SB 5456
 Mischief, criminal, provisions involving liability when operating a motor vehicle: SB 5456
 Pursuits, vehicular, by law enforcement, model policy for, repealing and replacing with restrictions: *ESHB 1054, CH 320 (2021)
 Road usage charge or other similar charge, using for highway purposes: SJR 8207
 Swarming a motor vehicle, engaging in practice of, prohibiting via antiswarming act: SB 5456
 Traffic stop/otherwise detaining driver, to enforce certain violations only when secondary to moving violation: SB 5485
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Driving under the influence, prior offense time limitation, extending for class B felony: SB 5054
 Impaired driving, provisions: SB 5054
 Infractions, admitting responsibility and attesting inability to pay financial penalty in full, provisions: SB 5226
 Infractions, license suspension or revocation for and reinstatement, various provisions: SB 5226, SB 5349
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 Infractions, monetary obligations for, payment plans for, various provisions: SB 5349
 Moving violations, traffic stop/otherwise detaining driver to enforce certain violations only when secondary to: SB 5485
 Physical control of vehicle under the influence, provisions: SB 5054
 Traffic stop/otherwise detaining driver, to enforce certain violations only when secondary to moving violation: SB 5485
 Vehicular homicide by disregard for safety of others, offender release/escape/etc., victim notification: SB 5245

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Accounts, congestion relief and safety account, creating for transportation funding not reliant on debt financing: SB 5359, SB 5449
 Additive transportation funding: SB 5482
 Assessment, special transportation benefit, statewide, to mitigate impact of growth on infrastructure: SB 5483
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 Commute trip reduction program, statutes governing, report regarding: *SHB 1514, CH 135 (2021)
 Commuter ride sharing, renaming as ride sharing: *SHB 1514, CH 135 (2021), SB 5457
 Electric ferries, design and procurement by counties, process for: *SHB 1502, CH 224 (2021)
 Electric or hybrid vehicles, per mile fee on, implementation plan for fee payment and early adoption program: SB 5444, SB 5483
 Electric or hybrid vehicles, when new/used passenger car/light truck, sales/use tax revenue collected on, use of: SB 5483

Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing: ***E2SHB 1287, CH 300 (2021) PV**

Electric vehicles, hybrid, annual registration renewal fee for, discontinuing: SB 5308

Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: SB 5256

Electrification of transportation plans, electric utility requirements for, including zero emissions vehicle use: ***E2SHB 1287, CH 300 (2021) PV**

Electrification of transportation, hybrid vehicle transportation electrification fee, repealing: SB 5085

Electrification of transportation, transportation electrification fee, repealing: SB 5085

Food delivery providers, third-party, per trip fees on prearranged delivery trips by, charging of: SB 5483

Food delivery providers, third-party, per trip fees on prearranged trips by, state regulation of: SB 5483

For hire vehicles, nonemergency medical transportation vehicles, high occupancy vehicle exempt decal for, when: SHB 1510

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Fuels, transportation, clean fuels program for carbon intensity reduction, establishing: ***E3SHB 1091, CH 317 (2021) PV, SB 5231**

Funding, additive transportation funding: SB 5482

Funding, from tax revenues, special benefit assessment, vehicle/driver/related fees, and per mile funding system: SB 5483

Funding, general obligation bonds for forward Washington projects or omnibus transportation appropriations act improvements: SB 5481

Funding, motor vehicle sales/use tax revenues for: SB 5359, SB 5449

Greenhouse gas emissions and vehicle miles traveled reduction, guidelines and actions for: E2SHB 1099

Highways purposes, using motor vehicle sales/use tax revenues for: SB 5223

Hybrid or electric vehicles, per mile fee on, implementation plan for fee payment and early adoption program: SB 5444, SB 5483

Hybrid or electric vehicles, when new/used passenger car/light truck, sales/use tax revenue collected on, use of: SB 5483

Motor vehicle transporters, licenses/license plates/indicator tabs for and related violations by: ***SHB 1269, CH 161 (2021)**

Rental car companies, retail car rentals, additional tax on, for transportation funding purposes: SB 5483

Ride sharing, definition of, exclusions from: ***SHB 1514, CH 135 (2021)**

Ride sharing, renaming commuter ride sharing as and expanding sales/use/motor vehicle excise tax exemptions eligibility of: ***SHB 1514, CH 135 (2021), SB 5457**

Transportation network companies, contracted driver's driving record furnished to: SB 5152

Transportation network companies, regulation of and linkages with taxi/for hire services, work group on, convening: SB 5483

Transportation network company drivers, per trip fees on prearranged rides by, state regulation of: SB 5483

Transportation system, policy goals, modifying: ***SHB 1137, CH 153 (2021), SB 5465**

Transportation system, policy goals, preservation and safety as priorities: ***SHB 1137, CH 153 (2021), SB 5465**

Vaccination, rule/ordinance/order/policy requiring receipt for COVID of, for transportation access, prohibiting: SB 5144

Vehicle sharing, personal vehicle sharing transactions, additional sales tax on, for transportation funding purposes: SB 5483

Zero emissions transportation future, state transition to, supporting: ***E2SHB 1287, CH 300 (2021) PV**

TRANSPORTATION COMMISSION

Electric or hybrid vehicles, per mile fee on, implementation plan for fee payment and early adoption program: SB 5444, SB 5483

Electric vehicles, passenger/light duty, selling or registering in WA only, 2030 deadline/scoping plan: SB 5256

Toll facilities, bridges, vehicles the commission may not exempt from tolls, listing: SB 5483

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Aviation division, director of, to be unpiloted aircraft system coordinator: ***SHB 1379, CH 131 (2021), SB 5483**

Broadband fiber connections, missing, and inadequate service in unserved/underserved areas, studying to address, DOT role: ***ESHB 1457, CH 258 (2021)**

Broadband installation along highways, informing facility owners of projects to enable coordination, when, DOT role: ***ESHB 1457, CH 258 (2021)**

Community aviation revitalization board, DOT to convene: HB 1030, ***SB 5031, CH 175 (2021)**

Commute trip reduction program, statutes governing, report regarding, DOT role: ***SHB 1514, CH 135 (2021)**

Dredged materials, disposal of, at site used for federal navigation channel projects/activities site: SB 5125

Electric vehicles, charging/refueling infrastructure, mapping/forecasting tool for, developing, DOT role: ***E2SHB 1287, CH 300 (2021) PV**

Fiber optic lines/conduits, as part of public transportation system, franchises to construct and maintain, DOT role: ***ESHB 1457, CH 258 (2021)**

Fish passage barriers, DOT correction projects, environmental permitting process for: SB 5207, SB 5381

Highways, addressing missing broadband connections in unserved/underserved areas via, DOT role: ***ESHB 1457, CH 258 (2021)**

Improvements, general obligation bonds to fund omnibus transportation appropriations act improvements: SB 5481

Justice, environmental, environmental health inequities, department actions to reduce: SB 5141

Litter control, litter prevention messaging/litter emphasis patrols/litter pickup, DOT role: ***SB 5040, CH 231 (2021)**

Navigation channel maintenance/improvements, federal, permit/review requirements, removing various: SB 5125

Projects, highway, motor vehicle fund-supported, sales/use tax exemptions for persons/DOT/local government: SB 5467

Projects, transportation, additive omnibus transportation budget for certain operating and capital appropriations: SB 5482

Projects, transportation, DOT expenditures for, sales/use tax revenues from, using for transportation purposes: SB 5466

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Purple heart state, Washington state as a, authorizing signs indicating, DOT role: ***SHB 1250, CH 213 (2021)**

Rail fixed guideway systems, state safety oversight, DOT role: ESHB 1418

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Game lands, DFW, payments to counties in lieu of property taxes, treasurer role: ***SB 5159, CH 184 (2021) PV**

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Powers of appointment act, uniform: ***SB 5132, CH 140 (2021)**

Powers of appointment, repealing/recodifying chapter: ***SB 5132, CH 140 (2021)**

Principal and income act, Washington, repealing and replacing: ***SB 5132, CH 140 (2021)**

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Benefits, extended, benefit and eligibility periods and job search requirements: SHB 1492, SB 5425

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Public health emergency, unemployment benefits for health care employees during, when: SB 5190

Public health emergency, unemployment benefits, forgiven, for certain employers, reimbursement of, when: SB 5478

Public health emergency, unemployment insurance revisions to aid employees and employers during: SB 5061

Social security numbers, used in correspondence as personal identifiers, replacing, when: ***SHB 1455, CH 80 (2021)**

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Bonneville power administration, utility conservation credits from, B&O tax exemption: ***SB 5008, CH 226 (2021)**

Broadband services, providing to unserved areas via infrastructure, tax credits against capital costs: SB 5110

Broadband services, retail, in unserved areas, provided by public entities, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Broadband services, retail, in unserved areas, provided by PUDs/port districts, authority/process for: ***ESHB 1336, CH 294 (2021) PV**

Broadband services, telecommunications for end users in unserved areas provided by PUDs, authority/process for: SB 5383

Broadband services, wholesale telecommunications services provided by PUDs, authority for, when: ***ESHB 1336, CH 294 (2021) PV**

Cool roof/tree planting programs, conserving energy/mitigating urban heat island effects via, role of utilities: ***SHB 1114, CH 11 (2021)**

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Easements, on state lands, for local public utility line owned by nongovernmental entity: SB 5110

Electric, beneficial electrification plans and programs: SB 5093

Electric, clean fuels program, low carbon fuel infrastructure under, credits for: ***E3SHB 1091, CH 317 (2021) PV**, SB 5231

Electric, cost-effective conservation acquisition targets, when events beyond control prevent meeting of: ***SHB 1446, CH 79 (2021)**

Electric, COVID impacts on, compliance burden reduction/customer assistance: SB 5007

Electric, customer billing statements, renewable energy requirements impact on bill total, disclosing: SB 5363

Electric, multiyear rate plans and performance-based rate making, requirements: SB 5295

Electric, projects, renewable resources analysis and advisory opinion: SB 5168

Electric, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: SB 5295

Electric, resource plans, electric vehicles/zero emissions vehicle use/electrification of transportation plans: ***E2SHB 1287, CH 300 (2021) PV**

Electric, role in Washington climate commitment act: SB 5126

Electric, utility wildland fire prevention advisory committee, renaming task force as: ***ESB 5158, CH 183 (2021)**

Electric, utility wildland fire prevention task force, recommendations of, implementing: ***ESB 5158, CH 183 (2021)**

Energy conservation and renewable resources targets, provisions: SB 5007, ***SB 5008, CH 226 (2021)**

Greenhouse gas emissions, mitigation strategies for utilities: SB 5093

Greenhouse gas emissions, zero emissions transportation future, state transition to, supporting, utility role: ***E2SHB 1287, CH 300 (2021) PV**

Heat standard, clean, statewide, establishing: SB 5093

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Natural gas, multiyear rate plans and performance-based rate making, requirements: SB 5295

Natural gas, rental housing conservation/energy efficiency opportunities to reduce tenant's energy burden: SB 5295

Natural gas, role in Washington climate commitment act: SB 5126

Natural gas, transition implementation plans and integrated resource plans: SB 5093

Natural gas, uniform climate protection surcharge, establishing: SB 5093

Public utility districts, beneficial electrification plans and programs: SB 5093

Public utility districts, cool roof programs with tree plantings for energy conservation: ***SHB 1114, CH 11 (2021)**

Public utility districts, greenhouse gas emissions reduction programs: SB 5093

Public utility districts, retail telecommunications for end users in unserved areas provided by, when: ***ESHB 1336, CH 294 (2021) PV**, SB 5383

Public utility districts, wholesale telecommunications services provided by, authority for, when: ***ESHB 1336, CH 294 (2021) PV**

Ratepayer assistance and weatherization, low-income, using B&O tax savings for: ***SB 5008, CH 226 (2021)**

Renewable energy resources, compliance burden reduction/customer assistance: SB 5007

Solar energy facilities, sited on certain agricultural lands, not eligible for expedited processing by EFSEC: SB 5206

Solar energy systems, photovoltaic module stewardship/takeback program, delaying certain implementation dates: ***HB 1393, CH 45 (2021)**

Vulnerable populations and highly impacted communities, energy burden of, reducing in various ways: SB 5295

Wind turbine blades, stewardship and takeback program, developing: SB 5174

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 Disabilities, veterans with, property tax exemption program, medigap/medicare supplement premiums deduction: SB 5305
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 Public works, alternative contracting, access for veteran-owned businesses: ***SB 5032, CH 230 (2021)**
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 Purple heart, department of veterans affairs purple heart state account, creating: ***SHB 1250, CH 213 (2021)**
 Purple heart, Washington state as a purple heart state, designating and authorizing signs indicating: ***SHB 1250, CH 213 (2021)**

VETERANS AFFAIRS, DEPARTMENT

Purple heart, department of veterans affairs purple heart state account, creating: ***SHB 1250, CH 213 (2021)**
 Purple heart, Washington state as a purple heart state, authorizing signs indicating, DVA role: ***SHB 1250, CH 213 (2021)**

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Sex offenses involving vulnerable adult, proof of nonmarriage as element in, eliminating: *SB 5177, CH 142 (2021)

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Reclaimed water, treatment by on-site nonpotable water systems and reuse, risk-based standards: *ESHB 1184, CH 156 (2021), SB 5087

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Drinking water, lead in school systems, sampling/testing at outlets, requirements: *E2SHB 1139, CH 154 (2021)

PFAS substances, surface/groundwater contamination by, requesting federal monitoring/mitigation assistance: SJM 8001

Reclaimed water, treatment by on-site nonpotable water systems and reuse, risk-based standards: *ESHB 1184, CH 156 (2021), SB 5087

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Groundwaters, from Columbia river basin project, agreements, area/subarea establishment prior to: SB 5230

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Noxious weed control board, state, members and employees: *SHB 1355, CH 217 (2021)

Noxious weeds, state agency lands, liaisons and assessment amounts: *SHB 1355, CH 217 (2021)

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- Northern spotted owl, programmatic safe harbor agreements for, for forestland owner: SB 5411
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- Whales, commercial whale watching licenses, separate licenses for businesses, operators, and kayak guides: ***ESB 5330, CH 284 (2021)**
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- Public works, alternative contracting, access for women-owned businesses: ***SB 5032, CH 230 (2021)**
- Reproduction, assisted, false representation in, by provider, class C felony: SB 5348
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- Customized employment training program, B&O tax credit, extending: ***2SHB 1033, CH 116 (2021)**
- Forest health treatments and wildfire prevention/response, developing workforce for: ***2SHB 1168, CH 298 (2021)**
- Health professionals, behavioral health workforce pilot program and training support grants, establishing: ***E2SHB 1504, CH 170 (2021)**
- Health professionals, health professional loan repayment and scholarship program, provisions of: ***E2SHB 1504, CH 170 (2021)**
- Health professionals, mental health/substance use disorder providers, grant program for, establishing: ***E2SHB 1504, CH 170 (2021)**
- Manufacturing, Washington BEST manufacturing act, building economic strength through manufacturing: ***SHB 1170, CH 64 (2021)**
- Rural county high employer demand jobs program, scholarship funds use when enrolled in community/technical college: ***SHB 1425, CH 133 (2021)**, SB 5288
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Industrial insurance, structured claim resolution settlement as option: ***SB 5046, CH 89 (2021)**

Occupational diseases, infectious/contagious diseases as, when subject of public health emergency: SB 5115, SB 5190

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