

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 6, 2018

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

SUBSTITUTE HOUSE BILL NO. 2651,  
HOUSE BILL NO. 2816,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Araya Zackery and Brayan Garibay. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6007,  
SUBSTITUTE SENATE BILL NO. 6107,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

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

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

MESSAGES FROM THE SENATE

March 5, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2016,  
HOUSE BILL NO. 2087,  
SUBSTITUTE HOUSE BILL NO. 2101,  
HOUSE BILL NO. 2208,  
SUBSTITUTE HOUSE BILL NO. 2256,  
SUBSTITUTE HOUSE BILL NO. 2298,  
SUBSTITUTE HOUSE BILL NO. 2308,  
SUBSTITUTE HOUSE BILL NO. 2342,  
HOUSE BILL NO. 2368,  
SUBSTITUTE HOUSE BILL NO. 2398,  
HOUSE BILL NO. 2443,  
HOUSE BILL NO. 2446,  
HOUSE BILL NO. 2479,  
SUBSTITUTE HOUSE BILL NO. 2514,  
SUBSTITUTE HOUSE BILL NO. 2516,  
HOUSE BILL NO. 2517,  
SUBSTITUTE HOUSE BILL NO. 2528,  
SUBSTITUTE HOUSE BILL NO. 2530,  
SUBSTITUTE HOUSE BILL NO. 2538,  
HOUSE BILL NO. 2539,  
SUBSTITUTE HOUSE BILL NO. 2576,

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5213,  
SUBSTITUTE SENATE BILL NO. 5493,  
SENATE BILL NO. 6024,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,  
SUBSTITUTE SENATE BILL NO. 6155,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,  
SENATE BILL NO. 6180,  
SENATE BILL NO. 6311,  
SENATE BILL NO. 6371,  
SUBSTITUTE SENATE BILL NO. 6399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6529,  
SUBSTITUTE SENATE BILL NO. 6549,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,  
SENATE BILL NO. 6580,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The Senate has passed:

MR. SPEAKER:

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

SENATE BILL NO. 5020,  
SUBSTITUTE SENATE BILL NO. 5064,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5179,  
 ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO.  
 5251,  
 ENGROSSED SENATE BILL NO. 5518,  
 SUBSTITUTE SENATE BILL NO. 5522,  
 SUBSTITUTE SENATE BILL NO. 5553,  
 SUBSTITUTE SENATE BILL NO. 5683,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,  
 SUBSTITUTE SENATE BILL NO. 6051,  
 SENATE BILL NO. 6058,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,  
 SUBSTITUTE SENATE BILL NO. 6126,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,  
 SUBSTITUTE SENATE BILL NO. 6133,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 6160,  
 SENATE BILL NO. 6298,  
 SENATE BILL NO. 6363,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,  
 SUBSTITUTE SENATE BILL NO. 6437,  
 SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

#### INTRODUCTION & FIRST READING

HB 3011 by Representatives Morris and Santos

AN ACT Relating to expanding the scope and resources for public records access; amending RCW 42.56.010 and 42.56.070; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.04 RCW; and repealing RCW 42.56.560.

Referred to Committee on State Government, Elections & Information Technology.

SB 6007 by Senators Takko, Sheldon, Van De Wege and Warnick

AN ACT Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses; amending RCW 82.16.0421; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SSB 6107 by Senate Committee on Transportation (originally sponsored by Senators Rolfes and Mullet)

AN ACT Relating to reducing the electric motorcycle registration renewal fee; amending RCW 46.17.323; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

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

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047  
 THIRD SUBSTITUTE HOUSE BILL NO. 1169  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239  
 SECOND SUBSTITUTE HOUSE BILL NO. 1298  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
 NO. 1488  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1570  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1570  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
 BILL NO. 2057  
 SUBSTITUTE HOUSE BILL NO. 2229  
 HOUSE BILL NO. 2435  
 SUBSTITUTE HOUSE BILL NO. 2612  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700  
 SUBSTITUTE HOUSE BILL NO. 2887  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938  
 SUBSTITUTE HOUSE BILL NO. 2951  
 SUBSTITUTE HOUSE BILL NO. 2970  
 HOUSE BILL NO. 1058  
 HOUSE BILL NO. 1336  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
 NO. 1482  
 SUBSTITUTE HOUSE BILL NO. 1558  
 SUBSTITUTE HOUSE BILL NO. 1656  
 HOUSE BILL NO. 1672  
 ENGROSSED HOUSE BILL NO. 1742  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1831  
 ENGROSSED HOUSE BILL NO. 1849  
 HOUSE BILL NO. 2257  
 HOUSE BILL NO. 2261  
 HOUSE BILL NO. 2307  
 HOUSE BILL NO. 2313  
 SUBSTITUTE HOUSE BILL NO. 2317  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356  
 HOUSE BILL NO. 2468  
 HOUSE BILL NO. 2474  
 SUBSTITUTE HOUSE BILL NO. 2515  
 HOUSE BILL NO. 2649  
 SECOND SUBSTITUTE HOUSE BILL NO. 2671  
 SUBSTITUTE HOUSE BILL NO. 2696  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701  
 HOUSE BILL NO. 2785  
 SUBSTITUTE HOUSE BILL NO. 2822  
 HOUSE BILL NO. 2858  
 ENGROSSED HOUSE BILL NO. 2957

The Speaker called upon Representative Orwall to preside.

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

### THIRD READING

#### MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6106 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SENATE BILL NO. 6106 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Clibborn, Fey and Orcutt as conferees.

#### MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6055 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6055 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**SENATE BILL NO. 6055, by Senators Hawkins, Carlyle, Palumbo and Mullet**

**Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.**

Representative Fitzgibbon moved the adoption of amendment (1389):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2020.

**Sec. 2.** RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and

provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

Representatives Fitzgibbon and Taylor spoke in favor of the adoption of the amendment.

Amendment (1389) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6055 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the house and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) In 2016, the student achievement council contracted with the William D. Ruckelshaus center to conduct a two-part study analyzing the system of for-profit degree-granting institutions and private vocational schools in Washington. The Ruckelshaus center issued its first report in December 2016, followed by facilitated discussions amongst agencies and stakeholders that resulted in a second report issued in 2017. This act incorporates some of the findings and recommendations from the first phase of the report, including the benefits of ensuring that recruitment advertising and materials are consistent with state and federal verified data. In addition, this act incorporates findings regarding the need for a single student complaint portal and for agencies to have timely access to trust funds for tuition recovery and other methods of responding when schools close. This act also authorizes the second part of the study, as recommended by the center, that will include discussions of agency jurisdiction and consistency and how to improve the agencies' abilities to respond to school closures.

(2) The legislature finds that there are many private for-profit and nonprofit career colleges and degree-granting institutions providing Washington state residents with important postsecondary and career opportunities that contribute to the economic security of Washington residents and aid in meeting the needs of our state's growing economy. The legislature also recognizes that there have been high profile closures of, or federal and other state determinations regarding, some for-profit or formerly for-profit institutions that have damaged the reputation of the sector and impacted the expectations and financial stability of some students. It is the legislature's intent to provide a framework to ensure a level playing field exists for the many institutions that provide disclosures to prospective students based on verifiable metrics, which allow prospective students to be able to make the best decisions on school and career choices and on financial aid and loans to finance their educational goals. The legislature also intends to ensure that students are provided the information they need to make the best decisions for their educational future and careers in event of closure or potential closure of an institution. In

addition, the legislature intends to protect the state's interest in the integrity of its grant and aid programs, from private decisions to close schools or programs under circumstances that may prevent students from obtaining the degree or certificate and career services that the students expected upon enrollment.

**NEW SECTION. Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, up to seventy-five thousand dollars, the student achievement council must continue administering the two-part study of for-profit degree-granting institutions and private vocational schools that was authorized under section 609, chapter 36, Laws of 2016 sp. sess.

(2) As part of the second part of the process, the study must contain findings and recommendations regarding the creation of an ombuds to serve students of degree-granting institutions and private vocational schools, including a recommendation on which state agency should house the position, and if there are other ombuds positions created by the legislature that can serve these students. The study must also contain recommendations on strengthening agencies' abilities to respond to, and protect student consumers from, school closures. Recommendations on agency responses include the use of trust funds and surety bonds for tuition recovery and other related losses.

(3) The student achievement council and the workforce training and education coordinating board must provide a report on the study to the legislature by December 31, 2018.

**Sec. 3.** RCW 28B.85.090 and 2012 c 229 s 550 are each amended to read as follows:

(1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees as a result of an unfair business practice (~~(may file a complaint with the council)~~). The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.100 and section 4 of this act. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) The council may deny, revoke, or suspend the authorization of any degree-granting institution authorized to operate under this chapter that is found to be in violation of this chapter.

(b) The council may not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints by students in this state, regardless of whether the institution is authorized by, or has its home in, another state. Under RCW 28B.85.020(1)(c), participation in interstate reciprocity agreements consistent with the purposes of this chapter does not delegate authority for compliance with this chapter or authority to respond to student complaints.

(2) It is a violation of this chapter for a degree-granting institution authorized to operate under this chapter or an agent employed by such a degree-granting institution to:

(a) Provide prospective students with any testimonial, endorsement, or other information that a reasonable person would find was likely to mislead or deceive prospective students or the public regarding current practices of the

school, current conditions for employment opportunities, postgraduation employment by industry, or probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition, or the ability of graduates to repay loans;

(b) Use any official United States military logo in advertising or promotional materials; or

(c) Violate the provision of section 5(1)(b) of this act regarding the sale of, or inducing of students to obtain, specific consumer student loan products.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.85 RCW to read as follows:

(1) A degree-granting institution authorized to operate under this chapter must:

(a) Present data about its completion rates, employment rates, loan or indebtedness metrics, or its graduates' median hourly and annual earnings, the posted data consistent with the data posted on the workforce training and education coordinating board's career bridge web site or the data posted by the United States department of education, if the board or the department of education has posted such data;

(b) Not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the council that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection (1)(b) applies to any degree-granting institution authorized to operate under this chapter, and any agent of the institution, that has at least one hundred fifty students or more enrolled in the state in any given year or that has been operating in the state for less than two consecutive years. A financial benefit for purposes of this subsection (1)(b) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (1)(b), "agent" means

any employee, officer, or contractor working on behalf of the institution; and

(c) Disclose to the council regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the degree-granting institution's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(2) A violation of any provision of this section is also a violation of RCW 19.86.020 of the consumer protection act. The penalties authorized pursuant to subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

**Sec. 6.** RCW 28C.10.050 and 2014 c 11 s 2 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for entities operating private vocational schools. The minimum standards shall include, but not be limited to, requirements to assess whether a private vocational school is eligible to obtain and maintain a license in this state.

(2) The requirements adopted by the agency shall, at a minimum, require a private vocational school to:

(a) Disclose to the agency information about its ownership and financial position and ~~((to))~~ demonstrate to the agency that the school is financially viable and responsible and that it has

sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.56 RCW;

(b) Follow a uniform statewide cancellation and refund policy as specified by the agency;

(c) Disclose through use of a school catalog, web site, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what data and information ~~((is))~~ are required. To the extent that these web sites or materials present any data on the completion rates, employment rates, loan or indebtedness metrics, and its graduates' median hourly and annual earnings for any of the private vocational schools or its programs, the posted data must be consistent with the data posted on the agency's career bridge web site or the data posted by the United States department of education, if the agency or the department of education has posted such data. Nothing in this subsection requires the agency to make changes to the career bridge web site or add new elements or features to the career bridge web site;

(d) Use an enrollment contract or agreement that includes: (i) The school's cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries, concerns, or complaints may be made to the agency, and (iii) other necessary information as determined by the agency;

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed;

(f) Comply with the requirements of RCW 28C.10.084;

(g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll, including but not limited to administering a United States department of education-approved

English as a second language exam before enrolling students for whom English is a second language unless the students provide proof of graduation from a United States high school or proof of completion of a high school equivalency certificate as provided in RCW 28B.50.536 in English or results of another academic assessment determined appropriate by the agency. Guidelines for such assessments shall be developed by the agency, in consultation with the schools;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation;

(i) Ensure that any enrollment contract between the private vocational school and its students has an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with (h) of this subsection and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties; ~~((and))~~

(j) Comply with the requirements related to qualifications of administrators and instructors; and

(k) Disclose to the agency regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the school's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the school for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(3) A private vocational school that has at least one hundred fifty students or more in the state during any given year, or that has been operating in the state for less than two consecutive years, or that has not had at least one of its programs recognized by the agency as an eligible training provider for at least two consecutive years, may not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the agency that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. A financial benefit for purposes of this subsection does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection, "agent" means any employee, officer, or contractor working on behalf of the institution.

(4) The agency may deny a private vocational school's application for licensure if the school fails to meet the requirements in this section.

~~((4))~~ (5) The agency may determine that a licensed private vocational school or a particular program of a private vocational school is at risk of closure or termination if:

(a) There is a pattern or history of substantiated student complaints filed with the agency pursuant to RCW 28C.10.120; or

(b) The private vocational school fails to meet minimum licensing requirements and has a pattern or history of failing to meet the minimum requirements.

~~((5))~~ (6) If the agency determines that a private vocational school or a



particular program is at risk of closure or termination, the agency shall require the school to take corrective action.

**Sec. 7.** RCW 28C.10.110 and 2014 c 11 s 6 are each amended to read as follows:

(1) It is a violation of this chapter for an entity operating a private vocational school to engage in an unfair business practice. The agency may deny, revoke, or suspend the license of any entity that is found to have engaged in a substantial number of unfair business practices or that has engaged in significant unfair business practices.

(2) It is an unfair business practice for an entity operating a private vocational school or an agent employed by a private vocational school to:

(a) Fail to comply with the terms of a student enrollment contract or agreement;

(b) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(c) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(d) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(e) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(f) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, number of faculty, or the

extent or nature of any approval received from an accrediting association;

(g) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(h) Provide prospective students with: Any testimonial, endorsement, or other information ((which has the tendency)) that a reasonable person would find likely to mislead or deceive prospective students or the public, including those regarding current practices of the school((τ)); information regarding rates of completion or postgraduation employment by industry, or its graduates' median hourly or annual earnings, that is not consistent with the presentation of data as established under RCW 28C.10.050(2)(c); current conditions for employment opportunities((τ)); postgraduation employment by industry or probable earnings in the occupation for which the education was designed; total cost to obtain a diploma or certificate; the acceptance of a diploma or certificate by employers as a qualification for employment; the acceptance of courses, a diploma, or certificate by higher education institutions; the likelihood of obtaining financial aid or low-interest loans for tuition; and the ability of graduates to repay loans;

(i) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(j) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading;

(k) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; ((eε))

(l) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not

limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual;

(m) Violate RCW 28C.10.050(3) regarding the sale of, or inducing of students to obtain, specific consumer student loan products; or

(n) Use any official United States military logos in advertising or promotional materials.

**Sec. 8.** RCW 28C.10.130 and 1986 c 299 s 13 are each amended to read as follows:

(1) Any private vocational school or agent violating RCW 28C.10.060, 28C.10.090, or 28C.10.110 or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under RCW 28C.10.120, or in any court of competent jurisdiction.

(2) In addition to the penalties authorized pursuant to subsection (1) of this section, any violation of any provision of this chapter is also a violation of RCW 19.86.020 of the consumer protection act, pursuant to RCW 28C.10.210. The penalties authorized under subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 18.16 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the director shall establish, maintain, and administer a department of licensing tuition recovery trust fund created in section 10 of this act. The department of licensing tuition recovery trust fund shall be established no later than

January 1, 2019. All funds collected for the department of licensing tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the department of licensing tuition recovery trust fund.

(2)(a) The director may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the department of licensing tuition recovery trust fund.

(b) The director must determine an amount that would be sufficient in the department of licensing tuition recovery trust fund to provide relief to students in the event of a school closure. The director shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the director may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the department of licensing tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the director determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into the department of licensing tuition recovery trust fund.

(5) The department of licensing tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the department of licensing tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The director shall adopt by rule a matrix for calculating the deposits into the department of licensing tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the department of licensing tuition recovery trust fund or at any such future time that the department of licensing tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described in this section. The director shall maintain the department of licensing tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the department of licensing tuition recovery trust fund.

(8) The director shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. **Sec. 10.** A new section is added to chapter 18.16 RCW to read as follows:

The department of licensing tuition recovery trust fund is created in the custody of the state treasurer. All receipts from each school owner under section 9 of this act must be deposited into the fund. Expenditures from the fund may be used only for the purposes in section 9 of this act. Only the director or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the council shall establish, maintain, and administer a student achievement council tuition recovery trust fund created in section 12 of this act. All funds collected for the student achievement council tuition recovery trust fund are payable to the state for the benefit and

protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the student achievement council tuition recovery trust fund.

(2)(a) The council may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the student achievement council tuition recovery trust fund.

(b) The council must determine an amount that would be sufficient in the student achievement council tuition recovery trust fund to provide relief to students in the event of a school closure. The council shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the council may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the student achievement council tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the council determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into a student achievement council tuition recovery trust fund.

(5) The student achievement council tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the student achievement council tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The council shall adopt by rule a matrix for calculating the deposits into the student achievement council tuition

recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the student achievement council tuition recovery trust fund or at any such future time that the student achievement council tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The council shall maintain the student achievement council tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the student achievement council tuition recovery trust fund.

(8) The council shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. **Sec. 12.** A new section is added to chapter 28B.85 RCW to read as follows:

The student achievement council tuition recovery trust fund is created in the custody of the state treasurer. All receipts from fees imposed on schools licensed under this chapter and section 11 of this act must be deposited into the fund. Expenditures from the fund may be used only for the purposes in section 11 of this act. Only the council may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 13.** A new section is added to chapter 28B.77 RCW to read as follows:

Within existing resources, the student achievement council, the workforce training and education coordinating board, and the department of licensing shall collaborate to create a single portal for student complaints regarding issues related to consumer protection, disclosures, school or program closures, or other violations committed by institutions regulated by those three agencies. The persons staffing the portal shall refer complaints to the appropriate

agency and work as a liaison between the student and relevant agency to assist in resolving the concerns or complaint. Each agency shall ensure that all students enrolled in, applying to enroll in, or obtaining loans at, institutions regulated by the agency are informed of the portal and how to file complaints. The persons staffing the portal will report to the legislature annually by November 1, 2018, the number of complaints and their resolution status.

**Sec. 14.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to

financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the

essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure

account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan

implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28A.85.090, 28C.10.050, 28C.10.110, and 28C.10.130; reenacting and amending RCW 43.84.092; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 18.16 RCW; adding a new section to chapter 28B.77 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439 and advanced the bill as amended by the Senate to final passage.

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

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

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of

Engrossed Second Substitute House Bill No. 1439, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1439, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((financial obligations))~~ restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of the effective date of this section, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the

judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued ~~((during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family))~~ prior to the effective date of this section;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full ~~((+~~

~~(c) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen month period, excluding any payments mandatorily deducted by the department of corrections;~~

~~(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only))~~ and as an incentive for the offender to meet his or her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders.

**Sec. 2.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) (a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund,

twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and 2012 c 134 s 6 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4), and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed



under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) Except as provided in RCW 7.84.100(4), all money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) (a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 4.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or

36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) (a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 5.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and

affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) (a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-

five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 6.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the

payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs (~~unless~~) if the defendant (~~is or will be able to pay them~~) at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). In determining the amount and method of payment of costs for defendants who are not indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been ordered to pay costs and who is not in contemptuous default in the payment thereof may at any time after release from total confinement petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, (~~or~~) modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or

services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

**Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each amended to read as follows:

(1) When a defendant is sentenced to pay (~~or~~) fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

**Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to read as follows:

(1) A defendant sentenced to pay ~~((a))~~ any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When ~~((a))~~ any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the ~~((fine or costs))~~ obligation from those assets, and his or her failure to do so may be held to be contempt.

(3) (a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of ~~((a))~~ any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the ~~((fine or costs))~~ amount ordered, thirty days if the ~~((fine or assessment))~~ amount ordered of costs was imposed upon conviction of

a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of ~~((a))~~ any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

~~((4))~~ (5) If it appears to the satisfaction of the court that the default in the payment of ~~((a))~~ any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall enter an order: (a) Allowing the defendant additional time for payment~~((7))~~; (b) reducing the amount thereof or of each installment ~~((or))~~; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

~~((4))~~ (6) A default in the payment of ~~((a))~~ any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of ~~((a))~~ any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount ~~((of the fine or costs))~~ has actually been collected.

**Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace ~~((shall))~~ may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW

10.101.010(3) (a) through (c). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

**Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant (~~shall~~) may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c).

**Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods (~~and~~). If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

**Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an

appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment may at any time after release from total confinement petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, (~~or~~) modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due

in costs, or may modify the method of payment.

**Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement; (~~or~~

~~(iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;))~~

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of

orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

~~((4))~~ (5) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). An offender being indigent as defined in RCW 10.101.010(3) (a) through (c) is not grounds for failing to impose restitution or the crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ~~((an offender's monthly))~~ each payment ~~((restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied))~~ made by or on behalf of an offender, the county clerk shall distribute the payment ~~((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court))~~ in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

~~((2))~~ (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration ~~((at))~~. The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). Costs of incarceration ordered by the court shall not exceed a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the ~~((court may require the offender to pay the))~~ actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. ~~((Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court.))~~ All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

~~((3))~~ (4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued

immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's

release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender



should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender.

Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with

notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((12))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((13))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((14))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

**Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) ~~((convert monetary obligations, except~~

~~restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution, or (iv))~~ order one or more of the penalties authorized in (a) (i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3) (a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the

evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed sixty days for each violation or order one or more of the penalties authorized in subsection (3) (a) (i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan,

without the offender's consent, as described under RCW 71.05.630.

~~((5))~~ (6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

~~((6))~~ (7) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

**Sec. 17.** RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-

party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of thirty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of forty dollars must be collected.

**Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to read as follows:

Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other

assessments imposed. The clerk of the court shall transmit eighty percent of the fee collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

**Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to read as follows:

(1)(a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.

(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090,

46.70.140,           46.61.502,           46.61.504,  
 46.52.101,           46.20.410,           46.52.020,  
 46.10.495,           46.09.480,           46.61.5249,  
 46.61.525,           46.61.685,           46.61.530,  
 46.61.500,           46.61.015,           46.52.010,  
 46.44.180,           46.10.490(2),           and  
 46.09.470(2).

(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer ~~((who shall monthly transmit the money as provided in RCW 10.82.070))~~. Each county shall deposit ~~((fifty))~~ one hundred percent of the money it receives per case or cause of action under subsection (1) of this section ~~((and retains under RCW 10.82.070))~~, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-

hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

**NEW SECTION. Sec. 20.** Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

**NEW SECTION. Sec. 21.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

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

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill as amended by the Senate to final passage.

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

Representatives Holy and Goodman spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, as

amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, DeBolt, Dent, Harris, Jenkin, Klippert, Kraft, Manweller, McCaslin, McCabe, Nealey, Orcutt and Steele.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that the 1997 state trust lands habitat conservation plan and the proposed amendment related to the conservation of the marbled murrelet, which provide certainty for beneficiaries of affected state lands and state forestlands, present an important and ongoing issue for the people of the state of Washington. The legislature further finds that complying with the endangered species act is a necessary aspect of managing state trust lands. The lands that are the subject of the 1997 habitat conservation plan are held by the state in trust for the trust beneficiaries, and the proposed amendment to the 1997 state trust lands habitat conservation plan presents an opportunity for the legislature to engage in its role as a fiduciary of those lands.

(2) The legislature intends that the process set forth in this act will serve as a model for future processes in the

event that there are any subsequent amendments to the 1997 state trust lands habitat conservation plan beyond those envisioned in this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1)(a) By December 1, 2018, and each December 1st until the year after the United States fish and wildlife service issues an incidental take permit on the state trust land habitat conservation plan for the long-term conservation strategy for the marbled murrelet, the department must provide a report to the legislature, consistent with RCW 43.01.036, as required in this section.

(b) No fewer than ninety days before submitting the report to the legislature as described in this section, the department must first submit a draft of the report for review and comment to the chair and ranking member of the committees of the house of representatives and senate with jurisdiction over state trust lands management.

(c) Each regular legislative session, the standing committee with jurisdiction over state trust land management from the house of representatives and senate must each hold a meeting, which may be held as a joint meeting, on the report required in this section and the habitat conservation plan update process.

(2) The report required in this section must annually include an economic analysis of potential losses or gains from any proposed marbled murrelet long-term conservation strategy selected by the board of natural resources, forwarded to or approved by the United States fish and wildlife service, and subsequently adopted by the board.

(3) The initial report required under this section must also include recommendations relating to the following, to be updated as appropriate in subsequent reports:

(a) Actions that support maintaining or increasing family-wage timber and related jobs in the affected rural communities, taking into account, as appropriate, the role of other market factors;

(b) Strategies to ensure no net loss of revenues to the trust beneficiaries due to the implementation of additional marbled murrelet conservation measures;

(c) Additional means of financing county services; and

(d) Additional reasonable, incentive-based, nonregulatory conservation measures for the marbled murrelet that also provide economic benefits to rural communities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1) To assist the department in developing and providing the report to the legislature required in section 2 of this act, the commissioner must appoint a marbled murrelet advisory committee.

(2) The marbled murrelet advisory committee may include one or more representatives from the following categories:

- (a) State trust lands beneficiaries;
- (b) Impacted state forestlands beneficiaries, including counties;
- (c) Junior taxing districts;
- (d) Environmental organizations;
- (e) Local governments or an association representing local governments;
- (f) Milling interests or an association representing milling interests;
- (g) Private forest landowners or a statewide association representing private forest landowners; and
- (h) Local public interest groups.

(3) The advisory committee required under this section may consult with relevant state and federal agencies and tribes.

NEW SECTION. Sec. 4. (1) Sections 2 and 3 of this act expire at the end of the calendar year following the issuance by the United States fish and wildlife service of an incidental take permit on the long-term conservation strategy for the marbled murrelet under the state trust lands habitat conservation plan and



subsequent adoption by the board of natural resources.

(2) The department of natural resources must notify the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser when the conditional expiration date of sections 1 and 2 of this act is satisfied."

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "adding new sections to chapter 43.30 RCW; creating a new section; and providing a contingent expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285 and advanced the bill as amended by the Senate to final passage.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2285, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2285, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2322 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that allowing property insurers to assist their insureds with risk mitigation and/or prevention goods and/or services could help prevent, or reduce the severity of claims and losses. The legislature further finds that property insurers engage in supporting insureds through disaster or emergency response activities when there is an imminent threat of damage to insured property, such as wildfire prevention defense efforts that provide fire retardants to homes in a wildfire area or send crews to combat wildfires to protect insureds' homes. The legislature further finds that assisting insureds with risk mitigation and prevention and providing disaster or emergency response activities are both useful in preventing economic loss, and should be exempt from the prohibition against inducements under RCW 48.30.140 and 48.30.150.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.18 RCW to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance, except commercial property insurance:

- (a) Goods, including a water monitor;
- (b) Foundation strapping to mitigate losses due to earthquake;
- (c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and

(d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to one thousand five hundred dollars in value in the aggregate in any twelve-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance, except commercial property insurance, it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks, except commercial property insurance, in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing

as is otherwise required under subsection (4) of this section and section 3 of this act.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

NEW SECTION. **Sec. 3.** A new section is added to chapter 48.19 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy, except commercial property insurance, that includes risk mitigation and/or prevention goods and/or services under section 2 of this act, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in section 2(6) of this act; or

(b) Disaster or emergency response activities of a property insurer.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.18 RCW to read as follows:

The commissioner may adopt rules as necessary to implement sections 2 and 3 of this act, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

(2) Rules increasing the value of either the goods or services, or both, permitted under section 2(1) of this act;

(3) Rules establishing requirements for pilot programs authorized under section 2(6) of this act; and

(4) Rules identifying which insurer disaster or emergency response activities are exempt from sections 2 and

3 of this act and RCW 48.30.140 and 48.30.150."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2322 and advanced the bill as amended by the Senate to final passage.

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

Representatives Stanford and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2322, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2322, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2322, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be

eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(c) Reimbursement for damages established pursuant to subsection (2) of this section; and

(d) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim

within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in section 2 of this act and for the administrative costs identified in subsection (2) of this section. Only the director 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.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

**Sec. 4.** 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Rapid Housing Improvement Program (30000863)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account--State .....	\$194,000
Prior Biennia (Expenditures) ..	\$31,000
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$225,000

**Sec. 5.** RCW 36.22.178 and 2011 c 110 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 ~~((ten))~~ 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 section 3 of this act.

(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 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.

**NEW SECTION. Sec. 6.** Section 1 of this act takes effect September 30, 2018."

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to

chapter 43.31 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578 and advanced the bill as amended by the Senate to final passage.

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

Representatives Riccelli and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2578, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2578, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harris, Holy, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pelllicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Hayes, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McCabe, Nealey, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2733 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the department must create a prescribed burn manager certification program for those who practice prescribed burning in the state. The certification program must include training on all relevant aspects of prescribed fire in Washington including, but not limited to, the following: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies.

(2) The department may not require certification under the program created under subsection (1) of this section for burn permit approval under this chapter. Nothing in this section may be construed as creating a mandatory prescribed burn manager certification requirement to conduct prescribed burning in Washington.

(3) No civil or criminal liability may be imposed by any court, the state, or its officers and employees, on a prescribed burn manager certified under the program created under subsection (1) of this section, for any direct or proximate adverse impacts resulting from a prescribed fire conducted under the provisions of this chapter except upon proof of gross negligence or willful or wanton misconduct.

(4) The department may adopt rules to create the prescribed burn manager certification program and to set periodic renewal criteria. The rules should be developed in consultation with prescribed burn programs in other states. The department may also adopt rules to establish a decertification process for certified prescribed burn managers who commit a violation under this chapter or rules adopted under this chapter. The department may, in its own discretion, develop an equivalency test for experienced prescribed burn managers.

(5) Certified prescribed burn managers may be issued burn permits with modified requirements in recognition of their training and skills. In such cases,



normal smoke management and fire risk parameters apply."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and adding a new section to chapter 76.04 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2733 and advanced the bill as amended by the Senate to final passage.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2733, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2733, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2733, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2777 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended to read as follows:

(1) The board of tax appeals, hereinafter ~~((in chapter 26, Laws of 1967 ex. sess.))~~ referred to as the board, ~~((shall))~~ must consist of three members qualified by experience and training in the field of state and local taxation, appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their terms ~~((shall))~~ may be members of the same political party.

(2) Beginning with appointments made after the effective date of this section, at least two members of the board must be attorneys licensed to practice law in the state of Washington with substantial knowledge of Washington tax law. At least one attorney member must have substantial experience in making a record suitable for judicial review. Any nonattorney member must have substantial experience in the fields of residential and commercial property appraisal.

(3) Each member of the board must attend at least twenty hours of judicial training deemed by the board to be appropriate for instructing members in Washington law, evidentiary procedures, and judicial practice and ethics.

**Sec. 2.** RCW 82.03.030 and 1967 ex.s. c 26 s 32 are each amended to read as follows:

Members of the board ~~((shall))~~ must be appointed for a term of six years and until their successors are appointed and have qualified. ~~((In case of a vacancy, it shall))~~ Vacancies must be filled by appointment by the governor, in accordance with section 1 of this act, for the unexpired portion of the term in which ~~((said))~~ the vacancy occurs ~~((+ PROVIDED, That the terms of the first three members of the board shall be staggered so that one member shall be appointed to serve until March 1, 1969, one member until March 1, 1971, and one member until March 1, 1973))~~.

**Sec. 3.** RCW 82.03.040 and 1967 ex.s. c 26 s 33 are each amended to read as follows:

Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who ~~((shall))~~ must transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice ~~((shall))~~ must thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal ~~((shall))~~ must fix the time of the hearing, which ~~((shall))~~ must be public, and the procedure for the hearing, and the decision of such tribunal ~~((shall be))~~ are final and not subject to review by the supreme court. Removal of any member of the board by the tribunal ~~((shall disqualify such))~~ disqualifies that member ~~((for))~~ from reappointment.

**Sec. 4.** RCW 82.03.050 and 2013 c 23 s 311 are each amended to read as follows:

(1) The board ((shall)) must operate on ((either a part time or)) a full-time basis ((, as determined by the governor. If it is determined that the board shall operate on a full-time basis, each member of the board shall receive an annual salary to be determined by the governor. If it is determined that the board shall operate on a part-time basis, each member of the board shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his or her duties, but such compensation shall not exceed ten thousand dollars in a fiscal year)). Each member of the board must devote his or her full time and efforts to the efficient discharge of the duties of the board.

(2) Board members must receive an annual salary in the same range as that established for equivalent members of class four boards under RCW 43.03.250.

(3) Each board member ((shall)) must receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

**Sec. 5.** RCW 82.03.060 and 2013 c 23 s 312 are each amended to read as follows:

~~((Each member of the board of tax appeals:~~

~~(1) Shall not)) (1) No member of the board may be a candidate for ((nor)) or hold any other public office or trust, and ((shall)) may not engage in any occupation or business interfering with or inconsistent with his or her duty as a member of the board, ((nor shall he or she)) or serve on or under any committee of any political party; and~~

~~(2) ((Shall not)) No member of the board may, for a period of one year after the termination of his or her membership on the board, act in a representative capacity before the board on any matter.~~

**Sec. 6.** RCW 82.03.070 and 1988 c 222 s 2 are each amended to read as follows:

(1) The board ((may)) must appoint, discharge and fix the compensation of an executive director, tax referees, and a clerk ((, and)). The board may appoint such other clerical, professional and technical assistants as may be necessary. Tax referees ((shall)) are not ((be)) subject to chapter 41.06 RCW.

(2) The board must maintain at least five tax referees, of which two must be active or judicial members of the Washington state bar association and three must be state-certified general real estate appraisers, as defined in RCW 18.140.010(22).

**Sec. 7.** RCW 82.03.080 and 2013 c 23 s 313 are each amended to read as follows:

~~((The board shall as soon as practicable after the initial appointment of the members thereof,)) (1) The board must meet and elect from among its members a chair ((, and shall)) at least biennially ((thereafter meet and elect such a chair)).~~

(2) A majority of the board constitutes a quorum when transacting official business of the agency. The board may act when one board position is vacant.

**Sec. 8.** RCW 82.03.090 and 1967 ex.s. c 26 s 38 are each amended to read as follows:

(1) The principal office of the board ((shall)) must be at the state capital, but it may sit or hold hearings at any

~~other place in the state. ((A majority of the board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant.))~~ The board must provide for regular hearings in the most populous county west of the crest of the Cascade mountains and east of the crest of the Cascade mountains for the conduct of informal proceedings.

(2) One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. ((The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.))

**NEW SECTION. Sec. 9.** On or before November 1, 2018, and in compliance with RCW 43.01.036, the board must provide the governor and the appropriate committees of the legislature with a detailed report on the following:

(1) The current number of pending appeals, categorized by the year in which each such appeal was filed;

(2) The number of appeals closed, since the effective date of this section, categorized by the year in which each such appeal was filed;

(3) The number of appeals filed since the effective date of this section; and

(4) A detailed plan, to be executed by the board, to address pending appeals.

**Sec. 10.** RCW 82.03.100 and 1967 ex.s. c 26 s 39 are each amended to read as follows:

The board ~~((shall))~~ must make findings of fact and prepare a written decision in each case decided by it, and such findings and decision ~~((shall be))~~ are effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and ~~((shall be))~~ are open to public inspection at all reasonable times.

**Sec. 11.** RCW 82.03.110 and 1967 ex.s. c 26 s 40 are each amended to read as follows:

The board ~~((shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest))~~ must publish those of its orders and decisions issued after the effective date of this section which are of precedential value, in such form as to assure ((reasonable distribution thereof)) such decisions are available for online research, including through a publicly available web site. The board may, in addition, identify, publish, and make available online orders and decisions issued prior to the effective date of this section that are of precedential value.

**Sec. 12.** RCW 82.03.120 and 1988 c 222 s 3 are each amended to read as follows:

The board ~~((shall))~~ must maintain at its principal office a copy ~~((of its final findings and decisions. The findings and decisions shall be available for public inspection at the principal office of the board at all reasonable times))~~, electronic or otherwise, of all final orders and decisions until transferred to the state archives in accordance with state agency retention policies and chapter 40.14 RCW. The orders and decisions maintained at the principal office of the board must be available for public inspection at all reasonable times; however, this provision may be satisfied by making the orders and decisions available via a publicly available web site.

**Sec. 13.** RCW 82.03.140 and 2000 c 103 s 1 are each amended to read as follows:

~~((In all appeals over which the board has jurisdiction under RCW 82.03.130, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board.))~~ (1) A party filing an appeal with the board must elect either a formal or an informal proceeding, according to rules of practice and procedure adopted by the board. If no such election is made, the appeal must be treated as an election for an informal proceeding: PROVIDED, That nothing ((shall)) prevents the assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130, within twenty days from the date of the receipt of the notice of appeal, from filing with the

clerk of the board notice of intention that the hearing be a formal one: PROVIDED, HOWEVER, That nothing herein (~~shall~~) may be construed to modify the provisions of RCW 82.03.190: AND PROVIDED FURTHER, That upon an appeal under RCW 82.03.130(1)(e), the director of revenue may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to chapter 34.05 RCW.

(2) A responding party may file a cross appeal. In the event that appeals are taken ((from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted)) by different parties from the same decision, order, or determination, and only one party elects a formal proceeding, the appeal must be conducted as a formal proceeding.

**Sec. 14.** RCW 82.03.150 and 2000 c 103 s 2 are each amended to read as follows:

In all appeals involving an informal hearing before the board or any of its members or tax referees, the board (~~or its~~), any member of the board, and the board's tax referees ((shall)) have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.05 RCW. The board, (~~or its~~) any member of the board, and the board's tax referees((, shall)) also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b) the board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board or any member thereof may deem necessary or appropriate.

**Sec. 15.** RCW 82.03.160 and 2000 c 103 s 3 are each amended to read as follows:

In all appeals involving a formal hearing before the board or any of its members or tax referees, the board (~~or its~~), any member of the board, and the board's tax referees ((shall)) have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW; and the board, and

each member thereof, or its tax referees, (~~shall be~~) are subject to all duties imposed upon, and (~~shall~~) have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. The board, (~~or its~~) any member of the board, and the board's tax referees((, shall)) also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b), the board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board, or any member thereof, may deem necessary or appropriate: PROVIDED, HOWEVER, That any communication, oral or written, from the staff of the director to the board or its tax referees ((shall)) may be presented only in open hearing.

**Sec. 16.** RCW 82.03.170 and 1988 c 222 s 7 are each amended to read as follows:

All proceedings, including both formal and informal hearings, before the board or any of its members or tax referees (~~shall~~) must be conducted in accordance with such rules of practice and procedure as the board may prescribe. The board (~~shall~~) must publish such rules and arrange for ((the reasonable distribution thereof)) public access to the rules, including through a publicly available web site.

**NEW SECTION. Sec. 17.** A new section is added to chapter 82.03 RCW to read as follows:

(1) The board may require parties to attend a mandatory settlement conference at any time before or after the appeal has been heard.

(2)(a) The board must provide an informal voluntary and confidential mediation process. The purpose of the mediation is to help the parties reach an agreement that settles the dispute. The board must adopt rules for the conduct of mediation, including appropriate fees, consistent with the purpose of the mediation.

(b) Any person appointed as a neutral mediator must have substantial experience in Washington tax law or in residential and commercial property appraisals. The mediator's role is to assist the parties to work together to

reach a mutually agreeable dispute resolution. The mediator will not issue a decision in the matter. An agreement reached by the parties during the mediation must be memorialized in writing and signed by the parties before the board may enter an order closing the appeal.

(c) All mediation discussions, statements of parties, and materials provided as part of the mediation are confidential, must be destroyed or returned to the parties after mediation is complete, and may not be used for any other purpose or in any other proceeding.

NEW SECTION. **Sec. 18.** A new section is added to chapter 82.03 RCW to read as follows:

(1)(a) Except as otherwise specifically provided by statute, the board:

(i) Must award a qualified party that prevails in a formal hearing from a department of revenue action fees and other expenses, including reasonable attorneys' fees, unless the board finds that the department of revenue's action was substantially justified or that circumstances make an award unjust;

(ii) May award a qualified party that prevails in a formal hearing from a board of equalization action fees and other expenses, including reasonable attorneys' fees, unless the board finds that the board of equalization's action was substantially justified or that circumstances make an award unjust.

(b) A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. The board, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

(3) Fees and other expenses awarded under this section must be paid by the board over which the party prevails from

operating funds appropriated to the agency within sixty days. The board shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the board shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the board announces the award.

(4) The following definitions apply to this section unless the context clearly indicates otherwise.

(a) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (ii) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(b) "Qualified party" means (i) an individual whose net worth did not exceed one million dollars at the time the initial appeal petition was filed or (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial appeal petition was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association."

On page 1, line 2 of the title, after "appeals;" strike the remainder of the title and insert "amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110,

82.03.120, 82.03.140, 82.03.150, 82.03.160, and 82.03.170; adding new sections to chapter 82.03 RCW; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2777 and advanced the bill as amended by the Senate to final passage.

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

Representatives Jinkins and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2777, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2777, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2777, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

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

#### MESSAGES FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 6179,  
SENATE BILL NO. 6210,  
SENATE BILL NO. 6218,  
SENATE BILL NO. 6231,  
SENATE BILL NO. 6240,  
SENATE BILL NO. 6287,

SUBSTITUTE SENATE BILL NO. 6318,  
SENATE BILL NO. 6367,  
SENATE BILL NO. 6368,  
SENATE BILL NO. 6393,  
SENATE BILL NO. 6404,  
SENATE BILL NO. 6408,  
SENATE BILL NO. 6414,

SUBSTITUTE SENATE BILL NO. 6438,  
SECOND SUBSTITUTE SENATE BILL NO. 6453,  
SENATE BILL NO. 6462,  
SUBSTITUTE SENATE BILL NO. 6475,  
SUBSTITUTE SENATE BILL NO. 6544,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,  
HOUSE BILL NO. 1058,  
THIRD SUBSTITUTE HOUSE BILL NO. 1169,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,  
SECOND SUBSTITUTE HOUSE BILL NO. 1298,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
1482,

SUBSTITUTE HOUSE BILL NO. 1558,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1570,

SUBSTITUTE HOUSE BILL NO. 1656,  
HOUSE BILL NO. 1672,

ENGROSSED HOUSE BILL NO. 1742,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1831,

ENGROSSED HOUSE BILL NO. 1849,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2057,

SUBSTITUTE HOUSE BILL NO. 2229,  
HOUSE BILL NO. 2257,  
HOUSE BILL NO. 2261,  
HOUSE BILL NO. 2307,  
HOUSE BILL NO. 2313,  
SUBSTITUTE HOUSE BILL NO. 2317,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2664, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1022,  
HOUSE BILL NO. 1056,  
HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1095,  
ENGROSSED HOUSE BILL NO. 1128,  
HOUSE BILL NO. 1133,  
SECOND SUBSTITUTE HOUSE BILL NO. 1293,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1388,  
SECOND SUBSTITUTE HOUSE BILL NO. 1433,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,  
HOUSE BILL NO. 1499,  
SECOND SUBSTITUTE HOUSE BILL NO. 1513,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1600,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1622,  
HOUSE BILL NO. 1630,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1673,  
HOUSE BILL NO. 1790,  
HOUSE BILL NO. 1939,  
SUBSTITUTE HOUSE BILL NO. 1953,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

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

SUBSTITUTE SENATE BILL NO. 5991,  
SENATE BILL NO. 6159,  
SENATE BILL NO. 6163,  
SUBSTITUTE SENATE BILL NO. 6175,  
ENGROSSED SENATE BILL NO. 6211,  
SECOND SUBSTITUTE SENATE BILL NO. 6245,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,  
SUBSTITUTE SENATE BILL NO. 6273,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
1488,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

### REPORTS OF STANDING COMMITTEES

March 6, 2018

HB 3003 Prime Sponsor, Representative Goodman:  
Relating to law enforcement. Reported by  
Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

March 6, 2018

SSB 6107 Prime Sponsor, Committee on  
Transportation: Reducing the electric  
motorcycle registration renewal fee.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hayes; Irwin; Orcutt; Rodne; Stambaugh; Van Werven and Young.

MINORITY recommendation: Without  
recommendation. Signed by Representative Pike.

March 6, 2018

ESSB 6346 Prime Sponsor, Committee on Labor &  
Commerce: Allowing the sale of wine by  
microbrewery license holders. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.244 and 2015 c 42 s 1 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) (a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) Any person selling or serving beer, cider, or wine at a microbrewery for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(d) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) A microbrewery licensed under this section may apply to the board for an endorsement to sell glasses of wine produced by a domestic winery for on-premises consumption. The annual fee for this endorsement is one hundred twenty-five dollars.

(5) The board may issue up to two retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, or spirits, beer, and wine restaurant.

~~((45))~~ (6) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

~~((46))~~ (7) (a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((46))~~ (7) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the



microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((6))~~ (7) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((6))~~ (7) (f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection ~~((6))~~ (7):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

~~((7))~~ (8) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

NEW SECTION. **Sec. 2.** This act takes effect October 1, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Graves; Haler; Manweller; Schmick; Stanford; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

March 6, 2018

HI 940 Prime Sponsor, : Law enforcement  
Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

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

### THIRD READING

### MESSAGE FROM THE SENATE

March 5, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6034 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

**HOUSE AMENDMENT  
TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6034 was returned to second reading for the purpose of amendment.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Rolfes, Sheldon, Angel, Hunt, Chase, Kuderer and Hasegawa)**

**Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act.**

Representative DeBolt moved the adoption of amendment (1385):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 54.16 RCW to read as follows:

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

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section. The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not either entered into a partnership payment structure to finance broadband deployment or been petitioned to provide retail internet service within that time period.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the

use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority

to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2) (a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section."

Correct the title.

Representatives DeBolt and Morris spoke in favor of the adoption of the amendment.

Amendment (1385) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House, and the bill passed the House by the following vote:Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, Dye, Harris, Kraft and Vick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6095 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6095 was returned to second reading for the purpose of amendment.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Mullet, Liias, Keiser and Saldaña)**

**Concerning the capital budget. Revised for 1st Substitute: Concerning the supplemental capital budget.**

Representative Tharinger moved the adoption of amendment (1395):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

**PART 1**

**GENERAL GOVERNMENT**

**Sec. 1001.** 2018 c 2 s 1005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Community Economic Revitalization Board (30000097)

Appropriation:

State Taxable Building Construction

Account—State . . . . . \$5,000,000

Public Facility Construction Loan Revolving

Account—State . . . . . \$8,020,000

Subtotal Appropriation . . . \$13,020,000

Prior	Biennia
(Expenditures) .....	\$5,000,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<del>\$13,020,000</del>
	<u>\$18,020,000</u>

**Sec. 1002.** 2018 c 2 s 1006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

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

(1) \$58,000,000 of the state taxable building construction account-state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account-state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account-state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants 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 that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

(i) The property is more than fifteen years old;

(ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.

(iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account-state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account-state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) (~~(\$21,987,000)~~) \$26,006,000 is provided solely for the following list of housing projects:

(i) Cross Laminated Timber Spokane Housing Predesign.....\$500,000

(ii) El Centro de la Raza....\$737,000

(iii) Highland Village Preservation.....\$1,500,000

(iv) King County Modular Housing Project.....(~~(\$3,000,000)~~)  
\$1,500,000

(v) Nisqually Tribal Housing.....\$1,250,000

(vi) Othello Homesight Community Center.....\$3,000,000

(vii) Parkview Apartments Affordable Housing ..... \$100,000

(viii) Supported Housing and Employment (Longview) ..... \$129,000

(ix) \$2,500,000 is provided solely for grants to purchase low-income mobile home parks. Up to \$2,500,000 is for the Firs Mobile Home Park. If the Firs Mobile Home Park is not purchased, the amount provided in this subsection shall lapse.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

~~((viii) \$6,000,000))~~ (xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: ((3,000,000)) \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account-State.....~~((43,400,000))~~  
\$44,131,000

State Taxable Building Construction Account-State.....\$58,000,000

Washington Housing Trust Account-State .....~~((5,370,000))~~  
\$8,658,000

Subtotal  
Appropriation.....~~((106,770,000))~~

\$110,789,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....	\$400,000,000
TOTAL.....	\$506,770,000
	<u>\$510,789,000</u>

**Sec. 1003.** 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by ~~((March))~~ June 1, 2018. If the terms and conditions of this subsection are not met by ~~((March))~~ June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account—State .....	\$235,000
Prior Biennia (Expenditures) .....	\$45,657,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$45,892,000

**Sec. 1004.** 2018 c 2 s 1016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

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

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose

intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen).....	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello) .....	\$1,250,000
Adna Elementary Playshed (Chehalis).....	\$104,000
Airway Heights Recreation Complex (Airway Heights).....	\$515,000



Alder Creek Pioneer Museum Expansion  
(Bickelton) ..... \$500,000

Anderson Island Historical Society  
(Anderson Island) ..... \$26,000

Appleway Trail Amenities (Spokane  
Valley) ..... \$556,000

ARC Community Center Renovation  
(Bremerton) ..... \$81,000

Arlington Pocket Park Downtown  
Business District  
(Arlington) ..... \$46,000

Asia Pacific Cultural Center Design  
and  
Preconstruction (Tacoma) ..... \$250,000

Belfair Sewer Extension to Puget Sound  
Industrial  
Ctr (Belfair) ..... \$515,000

Billy Frank Jr. Heritage Center  
(Olympia) ..... \$206,000

Bloodworks NW Bloodmobiles... \$425,000

Bothell Parks Projects  
(Bothell) ..... \$309,000

Bridgeview Education and Employment  
Resource Center  
(Vancouver) ..... \$500,000

Brier ADA Ramp Updates Phase  
(Brier) ..... \$115,000

Camp Schechter New Infrastructure and  
Dining Hall  
(Tumwater) ..... \$200,000

Capitol Campus E. WA Butte  
(Olympia) ..... \$52,000

Captain Joseph House (Port  
Angeles) ..... \$225,000

Carnation Central Business District  
Revitalization  
(Carnation) ..... \$1,545,000

Castle Rock Fair LED Lighting (Castle  
Rock) ..... \$10,000

Centennial Trail - Southern Extension  
#1 (Snohomish) ..... \$1,000,000

Centerville Grange Renovation  
(Centerville) ..... \$134,000

Centralia Fox Theatre Restoration  
(Centralia) ..... \$299,000

Chamber Economic Development Project  
(Federal Way) ..... \$250,000

Chelan County Emergency Operations  
Center (Wenatchee) ..... \$1,000,000

Chelatchie Prairie Railroad  
Maintenance Bldg.  
Phase 2 (Yacolt) ..... \$250,000

Cherry St. Fellowship  
(Seattle) ..... \$360,000

Children's Playgarden  
(Seattle) ..... \$315,000

Chimacum Ridge Forest Pilot (Port  
Townsend) ..... \$3,400,000

City of Brewster Manganese Abatement  
(Brewster) ..... \$752,000

Cityview Conversion to Residential  
Treatment  
(Moses Lake) ..... \$250,000

Clark County Historical Museum  
(Vancouver) ..... \$300,000

Clymer Museum and Gallery Remodel  
(Ellensburg) ..... \$258,000

Coastal Harvest Roof Replacement  
(Hoquiam) ..... \$206,000

Cocoon House (Everett) ..... \$1,000,000

College Place Well Consolidation and  
Replacement  
(College Place) ..... \$900,000

Columbia River Trail  
(Washougal) ..... \$1,000,000

Confluence Park Improvements (P2&3)  
(Issaquah) ..... \$206,000

~~((Coordinated and Safe Service Center  
(Redmond) ..... \$309,000))~~

Country Doctor Community Health  
Centers (Seattle) ..... \$280,000

Covington Town Center Civic Plaza  
Development  
(Covington) ..... \$820,000

Cross Park (Puyallup) ..... \$1,500,000

Daffodil Heritage Float Barn  
(Puyallup) ..... \$103,000

Darrington Rodeo Grounds  
(Darrington) ..... \$250,000

Des Moines Marina Bulkhead & Fishing  
Pier Renovation  
(Des Moines) ..... \$2,000,000

Disaster Response Communications  
Project (Colville) ..... \$1,000,000

District 5 Public Safety Center (Sultan) ..... \$1,500,000

Downtown Pocket Park at Rockwell (Port Orchard) ..... \$309,000

DuPont Historical Museum Renovation HVAC (DuPont) ..... \$53,000

East Grays Harbor Fiber Project (Elma) ..... \$463,000

East Hill YMCA/Park Renovation (Kent) ..... \$1,000,000

Eastside Community Center (Tacoma) ..... \$2,550,000

Ebey Waterfront Trail and Shoreline Access (Marysville)..... \$1,000,000

Emmanuel Life Center Kitchen (Spokane) ..... \$155,000

Ethiopian Community Affordable Senior Housing (Seattle) ..... \$400,000

Evergreen Pool Resurfacing (White Center) ..... \$247,000

Fall City Wastewater Infrastructure Planning & Design (Fall City)..... \$1,000,000

Family Medicine Remodel (Goldendale) ..... \$195,000

Federal Way Camera Replacement (Federal Way) ..... \$250,000

Federal Way Senior Center (Federal Way) ..... \$175,000

Flood Protection Wall & Storage Building (Sultan) ..... \$286,000

Food Lifeline Food Bank.... \$1,250,000

Forestry Museum Building (Tenino) ..... \$16,000

Fox Island Catastrophic Emergency Preparation (Fox Island)..... \$17,000

Francis Anderson Center Roofing Project (Edmonds) ..... \$391,000

Freeland Water and Sewer District Sewer Project (Freeland)..... \$1,500,000

FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)..... \$500,000

Gig Harbor Sports Complex (Gig Harbor) ..... \$206,000

Granger Historical Society Museum Acquisition (Granger) .....\$255,000

Greater Maple Valley Veterans Memorial Foundation (Maple Valley) .....\$258,000

GreenBridge/4th Ave Streetscaping (White Center).....\$1,195,000

Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver) .....\$1,177,000

Harrington School District #204, Pool Renovation (Harrington) ..... \$97,000

Historic Mukai Farm and Garden Restoration (Vashon).....\$250,000

Holly Ridge Center Building (Bremerton).....\$475,000

Honor Point Military and Aerospace Museum (Spokane).....\$100,000

HopeWorks TOD Center (Everett).....\$2,760,000

Hoquiam Library (Hoquiam) ....\$250,000

HUB Sports Center (Liberty Lake).....\$516,000

Industrial Park No. 5 Road Improvements (George).....\$412,000

Industrial Park No. 5 Water System Improvements (George) .....\$700,000

Inland Northwest Rail Museum (Reardan) .....\$170,000

Innovative Health Care Learning Center (Yakima).....\$1,000,000

Interbay PDAC (Seattle) .....\$900,000

Intrepid Spirit Center (Tacoma).....\$1,000,000

Islandwood Comm Dining Hall and Kitchen (Bainbridge Island) .....\$200,000

~~((Japanese Gulch Creek Restoration Project (Mukilteo).....\$721,000))~~

Kenmore Public Boathouse (Kenmore).....\$250,000

Key Peninsula Civic Center Generator (Vaughn).....\$60,000

Key Peninsula Elder Community (Lakebay) .....	\$515,000	Maury Island Open Space Remediation (Maury Island) .....	\$2,000,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair) .....	\$12,000	McChord Airfield North Clear Zone (Lakewood) .....	\$2,000,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale) .....	\$250,000	Mill Creek Flood Control Project (Kent) .....	\$2,000,000
Kona Kai Coffee Training Center (Tukwila) .....	\$407,000	Millionair Club Charity Kitchen (Seattle) .....	\$167,000
La Conner New Regional Library (La Conner) .....	\$500,000	Moorlands Park Improvements (Kenmore) .....	\$250,000
Lacey Boys and Girls Club (Lacey) .....	\$30,000	Morrow Manor (Poulsbo) .....	\$773,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan) .....	\$300,000	Mount Baker Properties Cleanup Site (Seattle) .....	\$1,100,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle) .....	\$2,000,000	Mount Rainier Early Warning System (Pierce County) .....	\$1,751,000
Lake Stevens Civic Center (Lake Stevens) .....	\$3,100,000	Mukilteo Tank Farm Remediation (Mukilteo) .....	\$257,000
Lake Stevens Food Bank (Lake Stevens) .....	\$300,000	Multicultural Community Center (Seattle) .....	\$1,300,000
Lake Sylvia State Park Legacy Pavilion (Montesano) .....	\$696,000	NE Snohomish County Community Services Campus (Granite Falls) .....	\$375,000
Lake Tye All-Weather Fields (Monroe) .....	\$800,000	NeighborCare Health (Vashon) .....	\$3,000,000
Lakewood Playhouse Lighting System Upgrade (Lakewood) .....	\$60,000	New Fire Station at Lake Lawrence (Yelm) .....	\$252,000
Lambert House Purchase (Seattle) .....	\$500,000	North Cove Erosion Control (South Bend) .....	\$650,000
Larson Playfield Lighting Renovation (Moses Lake) .....	\$146,000	Northshore Athletic Fields (Woodinville) .....	\$400,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska) .....	\$80,000	Northwest Improvement Company Building (Roslyn) .....	\$1,000,000
LIGO STEM Exploration Center (Richland) .....	\$411,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg) .....	\$17,000
Longbranch Marina (Longbranch) .....	\$248,000	Orting's Pedestrian Evacuation Crossing SR162 (Orting) .....	\$500,000
Longview Police Department Range and Training (Castle Rock) .....	\$271,000	Othello Regional Water Project (Othello) .....	\$1,000,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park) .....	\$1,200,000	Paradise Point Water Supply System Phase IV (Ridgefield) .....	\$500,000
		Pepin Creek Realignment (Lynden) .....	\$3,035,000
		Performing Arts & Events Center (Federal Way) .....	\$1,000,000
		Pioneer Village ADA Accessible Pathways (Ferndale) .....	\$154,000

((Ponders Wells Treatment Replacement  
(Lakewood) ..... \$500,000))

Port Ilwaco/Port Chinook Marina Mtce  
Drdg & Matl Disps

(Chinook) ..... \$77,000

Port Orchard Marina Breakwater  
Refurbishment

(Port Orchard) ..... \$1,019,000

Poulsbo Outdoor Salmon Observation  
Area (Poulsbo) ..... \$475,000

Puyallup Meeker Mansion Public Plaza  
(Puyallup) ..... \$500,000

Quincy Square on 4th  
(Bremerton) ..... \$250,000

R.A. Long Park (Longview).... \$296,000

Redondo Beach Rocky Reef (Des  
Moines) ..... \$500,000

Ridgefield Outdoor Recreation Complex  
(Ridgefield) ..... \$750,000

Rochester Boys & Girls Club upgrades  
(Rochester) ..... \$26,000

Save the Old Tower (Pasco)... \$300,000

Schilling Road Fire Station  
(Lyle) ..... \$448,000

Scott Hill Park (Woodland)... \$750,000

Seattle Aquarium (Seattle)... \$400,000

Seattle Indian Health Board  
(Seattle) ..... \$200,000

Seattle Opera (Seattle)..... \$465,000

Shelton Basin 3 Sewer Rehabilitation  
Project (Shelton) ..... \$1,500,000

Skagit Co Public Safety Emgcy Commun  
Ctr Exp/Remodel

(Mt. Vernon)..... \$525,000

Skagit County Veterans Community Park  
(Sedro-Woolley) ..... \$500,000

Skagit Valley YMCA (Mt.  
Vernon) ..... \$400,000

Snohomish JROTC Program  
(Snohomish) ..... \$189,000

South Gorge Trail (Spokane).. \$250,000

South Snohomish County Community  
Resource Center

(Lynnwood) ..... \$2,210,000

South Thurston County Meals on Wheels  
Kitchen

Upgrade (Yelm)..... \$30,000

Southwest WA Agricultural Business  
Park (Tenino).....\$618,000

Southwest Washington Fair Grange  
Building Re-Roof

(Chehalis) .....\$54,000

Spanaway Lake Management Plan  
(Spanaway).....\$26,000

Squalicum Waterway Maintenance  
Dredging (Bellingham).....\$750,000

Steilacoom Historical Museum Storage  
Building

(Steilacoom) .....\$31,000

Sunnyside Community Hospital  
(Sunnyside).....\$2,000,000

Sunset Career Center (Renton) \$412,000

Sunset Neighborhood Park  
(Renton).....\$3,050,000

Tacoma's Historic Theater District  
(Tacoma).....\$1,000,000

Tam O'Shanter Athletic Arena  
(Kelso).....\$1,000,000

Toledo Beautification (Toledo) \$52,000

Trout Lake School/Community Soccer &  
Track Facility

(Trout Lake) .....\$77,000

Tumwater Boys and Girls Club (Olympia)  
.....\$36,000

Turning Pointe Domestic Violence Svc:  
Shelter Imprv/Rep

(Shelton) .....\$27,000

Twisp Civic Building (Twisp) . \$750,000

University YMCA (Seattle) ....\$600,000

Veterans Memorial Museum  
(Chehalis).....\$354,000

Washington Agricultural Education  
Center (Lynden)..... (~~\$1,500,000~~)

\$1,800,000

Washington Care Services  
(Seattle).....\$400,000

Washington State Horse Park Covered  
Arena (Cle Elum).....\$2,000,000

Waste Treatment and Sewer Collection  
System

(Toppenish) .....\$1,405,000

Wastewater Collection & Water  
Distribution Replacemnt

(Carbonado) .....\$1,500,000

Water Treatment for Kidney Dialysis .....	\$499,000
Wayne Golf Course Region Park (Bothell) .....	\$1,000,000
Wesley Homes Bradley Park (Puyallup) .....	\$1,380,000
Westport Marina (Westport).	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)... ( <del>(\$250,000)</del> )	<u>\$750,000</u>
Whidbey Island Youth Project (Oak Harbor <u>and Coupeville</u> ) .....	\$300,000
White Pass Country Historical Museum (Packwood) .....	\$283,000
Whitehouse Additional Capital Campaign (Pasco) .....	\$1,500,000
Willows Road Regional Trail Connection (Kirkland) .....	\$1,442,000
Winlock HS Track (Winlock)...	\$103,000
Winlock Industrial Infrastructure Development (Winlock) .....	\$1,500,000
Wishram School CTE Facility (Wishram) .....	\$150,000
Yakima Valley SunDome Repairs (Yakima) .....	\$206,000
Yelm City Park Playground Modernization (Yelm) .....	\$247,000
Youth Eastside Services (Bellevue) .....	\$26,000
YWCA Family Justice Center (Spokane) .....	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan (~~(, contingent on commitment of local funding to support the on-going operational costs of the project, including but not limited to the creation of a lake management district)~~).

(9) (~~(\$250,000)~~) \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10) (a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as

industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel 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) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent

on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. ~~((These state funds are contingent on securing at least \$1,000,000 in private funds.))~~ It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account-State .....	<del>(((\$130,529,000))</del>
	<u>\$129,799,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	<del>\$130,529,000</del>
	<u>\$129,799,000</u>

**Sec. 1005.** 2018 c 2 s 1017 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Early Learning Facility Grants (40000006)

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

(1) ~~(((\$3,504,000))~~ \$4,504,000 of the early learning facilities development account-state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center.....	\$464,000
Franklin Pierce Early Learning Center.....	\$980,000
<u>Refugee Women's Alliance Early Learning Facility.....</u>	<u>\$1,000,000</u>

(2) ~~(((\$11,996,000))~~ \$10,996,000 of the early learning facilities revolving account-state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.))~~

Appropriation:

Early Learning Facilities Development Account-State .....	<del>(((\$3,504,000))</del>	<u>\$4,504,000</u>
Early Learning Facilities Revolving Account-State .....	<del>(((\$11,996,000))</del>	<u>\$10,996,000</u>
Subtotal Appropriation ....	\$15,500,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$52,000,000	
TOTAL .....	\$67,500,000	

**Sec. 1006.** 2018 c 2 s 1018 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Dental Clinic Capacity Grants  
(40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) (~~(\$12,286,000)~~) \$13,734,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane (Spokane Valley).....	\$581,000
Community Health Association of Spokane (Clarkston).....	\$391,000
Community Health of Central Washington (Ellensburg).....	\$1,800,000
Columbia Valley Community Health (Chelan) .....	\$753,000
East Central Community Center (Spokane) .....	\$500,000
HealthPoint (Federal Way)....	\$900,000
International Community Health Services (Shoreline) .....	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend) .....	\$1,000,000
Neighborcare (Seattle).....	\$1,388,000
North East Washington Health Programs (Springdale) .....	\$465,000
North (( <del>Olympia</del> )) <u>Olympic</u> Healthcare Network (Port Angeles).....	\$610,000
Peninsula Community Health Services (Poulsbo) .....	\$395,000
Sea Mar (Seattle).....	\$183,000
Sea Mar (Oak Harbor).....	\$149,000
Sea Mar (Tacoma).....	\$149,000
Sea Mar (Vancouver).....	\$167,000

Seattle Indian Health Board (Seattle).....	\$250,000
<u>Unity Care NW (Ferndale) .....</u>	<u>\$750,000</u>
Valley View Health Center (Chehalis).....	\$1,000,000
<u>VIMO Clinic Expansion and Remodel (Port Angeles).....</u>	<u>\$698,000</u>
Yakima Valley Farm Workers Clinic (Kennewick).....	\$1,000,000

(c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane).....	\$2,000,000
St. Peter Dental Residency (Olympia).....	\$800,000

~~((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019.))~~

Appropriation:

State Building Construction Account— State.....	<del>(\$15,086,000)</del>
	\$16,534,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$15,086,000
	<u>\$16,534,000</u>

**Sec. 1007.** 2018 c 2 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Behavioral Health Community Capacity  
(40000018)



The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary

commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) (~~(\$36,600,000)~~) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of (~~(geriatric or traumatic brain injury)~~) patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) (~~(\$2,000,000)~~) \$4,000,000 is provided solely for at least (~~one~~ facility) two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) (~~(\$11,400,000)~~) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

(e) (~~(\$10,000,000)~~) \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the

department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; ~~((and))~~

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral

health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(\$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) ~~(\$26,000,000)~~ \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny

Youth Center .....\$5,000,000

North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment .....	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley) .....</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage .....	\$5,000,000
Bellingham Acute Detox.....	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment .....	\$3,000,000
Daybreak Center for Adolescent Recovery .....	\$3,000,000
Nexus Youth and Families.....	\$500,000
Valley City Recovery Place.	\$2,000,000
Geriatric Diversion.....	\$500,000
<u>Skagit Triage Expansion (Mount Vernon) .....</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion.....</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center .....</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital.....</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6) (a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service

delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

~~((a))~~ (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

~~((6))~~ (7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

~~((7))~~ (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account- State .....	((( <del>\$65,600,000</del> )))
	<u>\$90,876,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$65,600,000</u>
	<u>\$90,876,000</u>

**Sec. 1008.** 2018 c 2 s 1021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development or community development. ~~((Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward.))~~

However, no more than ~~((25))~~ 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.

(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only~~((+~~

~~((i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~((A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~((B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long term economic opportunities; and~~

~~(C) Is located in a rural community as defined by the board, or a rural county, or~~

~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(C) Can demonstrate project feasibility using standard economic principles; and~~

~~(D) Is located in a rural community as defined by the board, or a rural county;~~

~~(e) The board must develop guidelines for local participation and allowable match and activities.~~

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

~~(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and~~

~~(iii) Improve accessibility for underserved communities and populations.~~

~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((f)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed~~

~~will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(i)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

~~((5))~~ (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

State <u>Taxable</u> Building Construction Account-State.....	<del>(\$5,000,000)</del>
	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$5,000,000
	\$10,000,000

**Sec. 1009.** 2018 c 2 s 1022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site

visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by ~~(September 1)~~ December 15, 2018.

Appropriation:

State Building Construction Account-State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$200,000

**Sec. 1010.** 2018 c 2 s 1023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by ~~(September 1)~~ December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:

State Building Construction Account-State.....	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$250,000

**Sec. 1011.** 2018 c 2 s 1025 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018.

**Appropriation:**

State Building Construction Account—	
State .....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$150,000

**NEW SECTION. Sec. 1012.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

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

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This

requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington).....	\$275,000
Asia Pacific Cultural Center (Ruston).....	\$250,000
Ballard Fish Ladder Renovation (Seattle).....	\$100,000
Boys and Girls Club (Oak Harbor).....	\$20,000
Capitol Campus Improvements (Olympia).....	\$249,000
Centralia Founder Statue George & Mary Jane (Centralia) .....	\$75,000
Chamber of Commerce Renovation Project (Federal Way).....	\$250,000
Chelan Moderate Risk Waste Facility (Wenatchee).....	\$556,000

Cheney Well #3 Re-Drill (Cheney) .....	\$750,000	House of Charity Homeless Shelter Outdoor	
Clinton & Gloria John Teen Club (Vancouver) .....	\$500,000	Annex (Spokane) .....	\$235,000
Colby Avenue Youth Center (Everett) .....	\$207,000	Interurban Trail and Trailhead (Fife) .....	\$200,000
College Place Well No. 2 Relocation (College Place) .....	\$618,000	Issaquah Teen Cafe (Issaquah)	\$100,000
Covington Town Center (Covington) .....	\$500,000	Kirkland Performance Center Modernization/Enhancement (Kirkland) .....	\$500,000
Crisis Services Renovation (Kennewick) .....	\$200,000	Kitsap Humane Society Animal Shelter Expansion (Silverdale) .....	\$300,000
Derelect Vessel Deconstruction Boatyard (Ilwaco) .....	\$950,000	KRYS Thin Air Community Radio Expansion (Spokane) .....	\$100,000
Duvall Civic Stage (Duvall)...	\$50,000	Lacey Food Bank (Lacey) .....	\$750,000
East Blaine Infrastructure Extension Project (Blaine) .....	\$1,200,000	Lake City Community Center (Seattle) .....	\$500,000
East Whatcom Regional Resource Center (Maple Falls) .....	\$125,000	Lake Sammamish State Park EIS and Predesign (Issaquah) .....	\$200,000
Edmonds Community & Senior Center (Edmonds) .....	\$500,000	Lake Stevens Food Bank (Lake Stevens) .....	\$206,000
Family First Community Center (Renton) .....	\$1,500,000	Lakewood Colonial Plaza (Lakewood) .....	\$500,000
Fennel Creek Trail Extension (Bonney Lake) .....	\$500,000	Lincoln County E911 (Davenport) .....	\$500,000
Fircrest Community Pool (Fircrest) .....	\$750,000	Lopez Island Pool (Lopez) ....	\$500,000
Five Acre Woods Park Acquisition (Lake Forest Park) .....	\$300,000	Lyons Ferry State Park Campground Design & Permitting (Washtucna) .....	\$400,000
Fort Steilacoom Park (Lakewood) .....	\$400,000	Main Street Reconstruction - Phase 2 (Mountlake Terrace) .....	\$500,000
Full Capacity Generator (Vashon) .....	\$230,000	Mary's Place Burien Hub (Burien) .....	\$500,000
Grace Children's Center Renew & Remodel (Des Moines) .....	\$25,000	Masonic Temple Window Replacement (Centralia) .....	\$27,000
Granger Splash Park (Granger) .	\$30,000	Mobile CTE Training Project (Centralia) .....	\$515,000
Grays Harbor County Courthouse (Montesano) .....	\$412,000	Moshier Park Sports Field Improvements & Stormwater (Burien) .....	\$500,000
Greenwood Cemetery (Centralia) .....	\$250,000	Mt. Spokane Guest Services Improvements (Mead) .....	\$309,000
Habitat for Humanity Veterans Project (Pacific) .....	\$250,000	Mukilteo Peace Park Construction (Mukilteo) .....	\$400,000
Harrison/Eastside Employment Center (Bremerton) .....	\$280,000	Mukilteo Waterfront Parking Lot (Mukilteo) .....	\$500,000
Historic Water Tower Renovation (Yelm) .....	\$155,000		



North Mason Teen Center  
(Belfair) ..... \$412,000

North Shore Levee  
(Aberdeen) ..... \$2,500,000

Northwest African American Museum Exhibit  
(Seattle) ..... \$200,000

Oak Harbor Windjammer Park Restoration  
(Oak Harbor) ..... \$750,000

Olympic Natural Resource Center CLT Design (Forks) ..... \$10,000

Omak Airport Improvement  
(Omak) ..... \$309,000

Pe Ell Infrastructure (Pe Ell) ..... \$340,000

PFAS Remediation Pilot  
(Issaquah) ..... \$206,000

Pioneer Park Pool House  
(Connell) ..... \$25,000

Port of Allyn Marina Utility  
(Allyn) ..... \$376,000

Port of Sunnyside  
(Sunnyside) ..... \$1,000,000

Port of Vancouver (Vancouver) \$824,000

Ports of Ilwaco and Chinook Marina Dredging  
(Ilwaco) ..... \$450,000

Puyallup River Boat Launch  
(Puyallup) ..... \$100,000

Redmond Central Connector Phase III  
(Redmond) ..... \$721,000

Ridgefield Police Station Expansion  
(Ridgefield) ..... \$124,000

River View Performing Arts Center  
(Kennewick) ..... \$206,000

Roslyn Community and Cultural Center  
(Roslyn) ..... \$523,000

Sedro-Woolley Regional Library (Sedro-Woolley) ..... \$1,500,000

Shelton Timberland Library Repair  
(Shelton) ..... \$288,000

Skagit Children's Advocacy & Family Support  
Center (Mount Vernon) ..... \$310,000

Skamania County Fair Horse Stall Panels (Stevenson) ..... \$40,000

Sno-Isle Libraries Mariner Library Preliminary

Design (Everett) .....\$322,000

Snohomish Carnegie Project (Snohomish) .....\$500,000

Snohomish Community Food Bank Freezer (Snohomish).....\$29,000

SOZO Sports Center of Central Washington (Yakima).....\$500,000

Spokane County Medical Examiner (Spokane).....\$1,250,000

St. Mark Tiny Homes for Homeless High School

Students (Lacey) .....\$200,000

Staging for Success! (Silverdale).....\$500,000

Starfire Sports Ignite STEM Passion (Tukwila).....\$250,000

Sultan Decant Facility/Clean-up (Sultan).....\$340,000

Summit Park (Maple Valley) ...\$331,000

Town Hall Historic Restoration (Seattle).....\$1,000,000

TXL Lake Hills Clubhouse Acquisition Boys &

Girls Club (Bellevue) .....\$200,000

Washougal Steamboat Landing Dock Replacement  
(Washougal) .....\$750,000

Waterfront Trail Development (Stevenson).....\$103,000

Wenatchee WRIA 45 Pilot Project (Wenatchee).....\$350,000

West Central Community Center Roof/Skylight (Spokane).....\$80,000

William Shore Pool Expansion (Port Angeles).....\$1,500,000

Yacolt Railroad Bldg. and Museum Project (Yacolt).....\$412,000

Yelm Historic Building (Yelm) . \$39,000

(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.

Appropriation:

State Building Construction Account—State.....\$40,569,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs)... \$0  
 TOTAL..... \$40,569,000

**Sec. 1013.** 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Housing Trust Fund Appropriation (30000833)

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

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of nine million dollars.

Reappropriation:

State Taxable Building Construction Account-State ..... \$59,701,000  
 Washington Housing Trust Account-State ..... \$3,000,000  
 Subtotal Reappropriation.. \$62,701,000  
 Prior Biennia (Expenditures) ..... \$20,299,000  
 Future Biennia (Projected Costs)... \$0  
 TOTAL..... \$83,000,000

**Sec. 1014.** 2018 c 2 s 1011 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)

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

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account-State.....(~~\$16,000,000~~)  
\$18,500,000  
 State Taxable Building Construction Account-State.....\$5,000,000  
 Subtotal Appropriation (~~(\$21,000,000)~~)  
\$23,500,000  
 Prior Biennia (Expenditures) .....\$0  
 Future Biennia (Projected Costs).....\$80,000,000  
 TOTAL.....\$101,000,000  
\$103,500,000

**NEW SECTION. Sec. 1015.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

Behavioral Rehabilitation Services Capacity Grants (92000611)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state owned that add capacity to address unmet need and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(b) It is the goal of the legislature to achieve an additional twenty-four beds of behavioral rehabilitation services capacity by the conclusion of the 2017-2019 fiscal biennium. To the maximum extent possible, the department shall prioritize the use of the funding provided in this section in a manner that facilitates achieving this goal, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(c) The department shall consult as needed with the children and families services program of the department of social and health services through June 30, 2018, and the department of children, youth, and families effective July 1, 2018, to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans, including but not limited to parent-child visitation.

Appropriation:

State Building Construction Account—	
State .....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$2,000,000

**Sec. 1016.** 2016 sp.s. c 35 s 1012 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the

appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident

potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to (~~(\$150,000)~~) \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to

identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer	\$750,000

complex safety projects			City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
Bremerton children's dental clinic		\$396,000	City of Olympia - Percival Landing renovation	\$950,000
Brewster reservoir replacement		\$1,250,000	City of Pateros water system	\$1,838,000
Brookville gardens		\$1,200,000	City of Stanwood City hall/public safety facility property acquisition	\$300,000
Camas-Washougal Babe Ruth youth baseball improve Bloch park		\$10,000	Classroom door barricade - nightlock	\$45,000
Cancer immunotherapy facility-Seattle children's research inst.		\$7,000,000	Confluence area parks upgrade and restoration	\$1,000,000
Caribou trail apartments		\$100,000	Corbin senior center elevator	\$300,000
Carnegie library imprv for the rapid recidivism reduction program		\$1,000,000	Covington community park	\$5,000,000
Cavelero park - regional park facility/skateboard park		\$500,000	Cross Kirkland corridor trail connection 52nd St.	\$1,069,000
CDM caregiving services: Clark county aging resource center		\$1,200,000	Dawson place child advocacy center building completion project	\$161,000
Centerville school heating upgrades		\$46,000	Dekalb street pier	\$500,000
Chambers Creek regional park pier extension and moorage		\$1,750,000	DNR/City of Castle Rock exchange	\$80,000
City of LaCenter parks & rec community center		\$1,500,000	Dr. Sun Yat Sen memorial statue	\$10,000
City of Lynden pipeline		\$2,000,000	Drug abuse and prevention center - Castle Rock	\$96,000
City of Lynden-Riverview road construction		\$850,000	DuPont historical museum renovation	\$46,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.		\$300,000	East Tacoma community center	\$1,000,000
			Edmonds center for the arts: Gym climate control & roof repairs	\$250,000

Edmonds senior & community center	\$1,250,000	Kent east hill YMCA	\$500,000
Emergency generator for kidney resource center	\$226,000	Key Pen civics center	\$50,000
Enumclaw expo center	\$350,000	KiBe high school parking	\$125,000
Fairchild air force base protection & comm empowerment project	\$2,209,000	Kitsap humane society - shelter renovation	\$90,000
Federal Way PAC center	\$2,000,000	Lacey boys & girls club	\$29,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000	Lake Chelan land use plan	\$75,000
Franklin Pierce early learning center	\$2,000,000	LeMay car museum ADA access improvements	\$500,000
Gateway center project	\$1,000,000	Lyman city park renovation	\$167,000
Gilda club repairs	\$800,000	Lyon creek flood reduction project	\$400,000
Granite Falls boys & girls club	\$1,000,000	Marine terminal rail investments	\$1,000,000
Gratzer park ball fields	\$200,000	Martin Luther King Jr. family outreach center expansion project	\$85,000
Grays Harbor navigation improvement project	\$2,500,000	Mason county Belfair wastewater system rate relief	\$1,500,000
Green river gorge open space buffer, Kummer connection	\$750,000	McAllister museum	\$660,000
Guy Cole center revitalization	\$450,000	Mercer arena energy savings & sustainability funding	\$450,000
Historic renovation Maryhill museum	\$1,000,000	Mercy housing and health center at Sand Point	\$2,500,000
Hopelink at Ronald commons	\$750,000	Meridian center for health	\$2,500,000
Irvine slough storm water separation	\$500,000	Minor Road water reservoir replacement	\$1,500,000
Kahlotus highway sewer force main	\$2,625,000	Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000
Kennewick boys and girls club	\$500,000		

Mountlake Terrace Main street revitalization project	\$1,300,000	Police station security/hardening	\$38,000
Mt. Spokane guest services building & preservation/maintenan ce of existing facilities	\$520,000	Port of Centralia - Centralia station	\$500,000
Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000	Port of Sunnyside demolish the carnation building	\$450,000
Mukilteo tank farm clean-up	\$250,000	PROVAIL TBI residential facility	\$450,000
New Shoreline medical-dental clinic	\$1,500,000	Quincy water reuse	\$1,500,000
Nordic heritage museum	\$2,000,000	Redmond downtown park	\$3,000,000
North Kitsap fishline foodbank	\$625,000	Redondo boardwalk repairs	\$1,500,000
Northwest native canoe center project	\$250,000	Renovate senior center	\$400,000
Oak Harbor clean water facility	\$2,500,000	Rochester boys & girls club	\$38,000
Okanogan emergency communications	\$400,000	Rockford wastewater treatment	\$1,200,000
Onalaska community tennis and sports courts	\$80,000	Roslyn renaissance- NW improve company bldg renovation project	\$900,000
Opera house ADA elevator	\$357,000	Sammamish rowing association boathouse	\$500,000
Orcas Island library expansion	\$1,400,000	SE 240th St. watermain system improvement project	\$700,000
Pacific community center	\$250,000	SE Seattle financial & economic opportunity center	\$1,500,000
PCAF's building for the future	\$350,000	SeaTac international marketplace & transit- oriented community	\$1,250,000
Pe Ell second street	\$197,000	Seattle theatre group	\$131,000
Perry technical school	\$1,000,000	Snohomish veterans memorial rebuild	\$10,000
Pike Place Market front project	\$800,000	Snoqualmie riverfront project	\$1,520,000

South 228th street inter-urban trail connector	\$500,000	Vancouver, Columbia waterfront project	\$2,500,000
Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000	Vantage point senior apartments	\$2,000,000
Spokane women's club	\$300,000	Veterans center	\$500,000
Springbrook park neighborhood connection project	\$300,000	Veterans helping veterans: Emergency transition shelter	\$600,000
SR 532 flood berm and bike/ped path	\$85,000	Waitsburg Main Street bridge replacement	\$1,700,000
St. Vincent food bank & community services construction project	\$400,000	Washington green schools	\$105,000
Stan & Joan cross park	\$750,000	Washougal roof repair	\$350,000
Steilacoom Sentinel Way repairs	\$450,000	Water meter and system improvement program	\$500,000
Stilly Valley youth project Arlington B&G club	\$2,242,000	Water reservoir and transmission main	\$500,000
Sunset neighborhood park	\$1,750,000	Wayne golf course land preservation	\$500,000
Support, advocacy & resource center for victims of violence	\$750,000	White River restoration project	\$850,000
The gathering house job training café	\$14,000	Willapa behavioral health safety improvement project	\$75,000
The Salvation Army Clark County: Corps community center	\$1,200,000	WSU LID frontage - local and economic benefits	\$500,000
Thurston county food bank	\$500,000	Yakima children's museum center	\$50,000
Tulalip water pipeline, (final of 8 segments)	\$2,000,000	Yakima SunDome	\$2,000,000
Twin Bridges museum rehab Lyle Wa	\$64,000	Yelm community center	\$500,000
Twisp civic building	\$500,000	Yelm senior center	\$80,000
		Youth wellness campus gymnasium renovation	\$1,000,000
		Total	\$130,169,000

Appropriation:



State Building Construction Account-  
 State .....\$130,169,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs)...\$0  
 TOTAL.....\$130,169,000

**Sec. 1017.** 2018 c 2 s 1026  
 (uncodified) is amended to read as  
 follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities  
 (30000039)

Appropriation:

~~((State Building Construction Account-  
 State .....\$1,229,000))~~

Thurston County Capital Facilities  
 Account-State ..... ~~(((\$1,229,000))~~

\$2,458,000

~~((Subtotal Appropriation. \$2,458,000))~~

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$2,458,000

**Sec. 1018.** 2018 c 2 s 1027  
 (uncodified) is amended to read as  
 follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFM Capital Budget Staff (30000040)

Appropriation:

~~((State Building Construction Account-  
 State .....\$611,000))~~

Thurston County Capital Facilities  
 Account-State ..... ~~(((\$611,000))~~

\$1,222,000

~~((Subtotal Appropriation. \$1,222,000))~~

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$1,222,000

**Sec. 1019.** 2018 c 2 s 1031  
 (uncodified) is amended to read as  
 follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Evaluation of Law Enforcement Training  
 by Community Colleges (92000022)

The appropriation in this section is  
 subject to the following conditions and  
 limitations: \$300,000 of the  
 appropriation in this section is provided  
 solely for the office of financial  
 management to contract with an external  
 consultant to develop a plan that  
 provides required basic law enforcement  
 training through student paid programs  
 with training provided by community and  
 technical colleges. The consultant must  
 review the costs, benefits, and risks to  
 the state of Washington and review models  
 from other states. The consultant must  
 provide a report with an implementation  
 plan and recommendations to the governor  
 and the appropriate committees of the  
 legislature by ~~((December 10, 2018))~~  
January 31, 2019.

Appropriation:

State Building Construction Account-  
 State.....\$300,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$300,000

**NEW SECTION. Sec. 1020.** 2018 c 2 s  
 1030 (uncodified) is repealed.

**NEW SECTION. Sec. 1021.** 2018 c 2 s  
 1033 (uncodified) is repealed.

**Sec. 1022.** 2018 c 2 s 1032  
 (uncodified) is amended to read as  
 follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Behavioral Health Statewide Plan  
 (91000434)

The appropriation in this section is  
 subject to the following conditions and  
 limitations: The office of financial  
 management, in collaboration with the  
 department of commerce, the health care  
 authority, the department of social and  
 health services, the department of  
 health, and behavioral health  
 organizations, shall establish a  
 statewide plan to inform future grant  
 allocations by assessing and  
 prioritizing facility needs and gaps in  
 the behavioral health continuum of care.  
 The department must provide the plan to  
 the fiscal committees of the legislature  
 by ~~((September 1))~~ December 31, 2018. The  
 plan must include:

(1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:

State Building Construction Account—	
State .....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$200,000

**NEW SECTION. Sec. 1023.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Facility Study (92000026)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education facility study to the governor and the appropriate legislative fiscal committees by December 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the state board for community and technical colleges, and the public four-year institutions of higher education.

The study must include:

(1) Learning space utilization standards for higher education

facilities. The standards may include, but are not limited to:

- (a) The percentage of hours utilized per scheduling window;
- (b) The percentage of seats utilized;
- (c) Square feet per seat; and
- (d) Type of technology utilized in learning spaces.

(2) Reasonableness of cost standards for higher education capital facilities. The standards may include, but are not limited to:

- (a) Costs per square feet per type of facility;
- (b) Expected life-cycle costs; and
- (c) Project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(3) A criteria scoring and prioritization matrix for use by four-year higher education institutions and other decision makers to produce single prioritized lists of higher education capital projects that consists of two components:

- (a) A numeric rating scale that assesses how well a particular project satisfies higher education capital project criteria; and
- (b) A numeric measure to weigh the importance of those criteria.

Appropriation:

State Building Construction Account—	
State.....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$150,000

**Sec. 1024.** 2017 3rd sp.s. c 4 s 1048 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Construction Contingency Pool (90000300)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1077, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account-  
 State ..... (~~(\$1,853,000)~~)  
\$3,251,000

Prior Biennia  
 (Expenditures) ..... (~~(\$6,147,000)~~)  
\$4,749,000

Future Biennia (Projected Costs)... \$0

TOTAL..... \$8,000,000

**Sec. 1025.** 2018 c 2 s 1040 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Campus Physical Security and Safety Improvements (30000812)

\$550,000 of the appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted to the office of financial management and the appropriate committees of the legislature by (~~August 31~~) December 15, 2018.

Appropriation:

State Building Construction Account-  
 State ..... \$2,040,000

Thurston County Capital Facilities  
 Account-State ..... (~~(\$550,000)~~)  
\$710,000

Subtotal Appropriation..... \$2,750,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$550,000  
\$2,750,000

**Sec. 1026.** 2018 c 2 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Statewide Minor Works - Preservation Projects (30000825)

Appropriation:

Enterprise Services Account-  
 State.....\$314,000

State Building Construction Account-  
 State.....(~~(\$2,664,000)~~)  
\$3,506,000

State Vehicle Parking Account-  
 State.....\$80,000

Subtotal Appropriation. (~~(\$3,058,000)~~)  
\$3,900,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected  
 Costs).....\$9,970,000

TOTAL.....\$13,028,000  
\$13,870,000

**Sec. 1027.** 2018 c 2 s 1042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Building Envelope Repairs (30000829)

Appropriation:

Capitol Building Construction Account-  
 State.....(~~(\$3,364,000)~~)  
\$2,611,000

State Building Construction Account-  
 State.....(~~(\$4,936,000)~~)  
\$2,611,000

Subtotal Appropriation. (~~(\$8,300,000)~~)  
\$5,222,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$8,300,000  
\$5,222,000

**Sec. 1028.** 2018 c 2 s 1043 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

\$14,000,000

Engineering and Architectural Services: Staffing (30000889)

Prior Biennia (Expenditures) .....\$0  
Future Biennia (Projected Costs) ...\$0  
TOTAL .....\$12,900,000  
\$14,000,000

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

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account-State ..... (~~(\$10,220,000)~~)  
\$11,320,000

Thurston County Capital Facilities Account-State ..... \$2,680,000

Subtotal Appropriation (~~(\$12,900,000)~~)

**Sec. 1029.** 2018 c 2 s 1045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: (~~(\$2,414,000)~~) \$1,560,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities  
Account-State ..... (~~(\$2,414,000)~~)  
\$1,560,000

Prior Biennia (Expenditures) .....\$0  
Future Biennia (Projected Costs) ...\$0  
TOTAL .....\$2,414,000  
\$1,560,000

**NEW SECTION. Sec. 1030.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) Washington State University Tri-Cities academic building, project number 30001190; (b) Western Washington University sciences building addition and renovation, project number 30000768; (c) Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990; (d) secretary of state library archive building, project number 30000033; and (e) the department of transportation SR9/Snohomish river bridge replacement, project number

N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5014 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4)(a) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(b) The department shall report any positive or negative impacts to project costs, based on the requirements in this section.

(c) The department shall report on any positive or negative economic impacts to Washington state based on where the eligible materials are purchased.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with

international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—	
State.....	\$65,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$65,000

**NEW SECTION. Sec. 1031.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Roof Replacement - Cherberg and Insurance Buildings (40000032)

Appropriation:

State Building Construction Account—	
State.....	\$2,400,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$2,400,000

**NEW SECTION. Sec. 1032.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—	
State.....	\$3,400,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$3,400,000

**Sec. 1033.** 2018 c 2 s 1049 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Relocate Mural from GA to 1063 (92000018)

The appropriation in this section is subject to the following conditions and limitations: The general fund-private/local account appropriation is contingent upon the receipt of funds from nonstate entities to relocate the mosaic mural from the general administration building to the 1063 block replacement building.

Appropriation:

State Building Construction Account—State .....	\$275,000
General Fund—Private/Local...	\$118,000
Subtotal Appropriation.....	\$393,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$275,000
	<u>\$393,000</u>

**Sec. 1034.** 2018 c 2 s 1036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account—State.....	((\$2,500,000))
	<u>\$4,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	((\$940,000))
	\$0
TOTAL.....	\$3,440,000
	<u>\$4,000,000</u>

**NEW SECTION. Sec. 1035.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Newhouse Replacement (92000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates necessary to replace the Irv Newhouse Building and add house of representatives office space with a building or buildings to serve the legislative office needs on west campus.

(1) In determining the program space required the predesign will consider:

- (a) The necessary program space required to support senate offices and support functions;
- (b) The necessary program space required to support house offices and support functions; and
- (c) Parking impacts of new office space construction.

(2) The study will consider, at a minimum the following three options:

- (a) A 50,000 to 70,000 square foot office building to support senate offices, with four levels of underground parking, and a 50,000 to 70,000 square foot office building to support house offices to be located on the Pritchard Building parking lot, with necessary underground parking.
- (b) A 115,000 to 140,000 square foot office building to support both house and senate offices with four levels of underground parking.

(c) A 50,000 to 70,000 square foot office building to support senate offices, with no parking.

(3) In conducting the study, the department must consult with the house of representatives, the senate, and the tenants.

(4) The buildings must be high performance buildings and meet net-zero-ready standards, with an energy use intensity of no greater than 35. The building construction must be procured using a performance-based method such as design build and must include an energy performance guarantee comparing actual performance data with the energy design target.

Appropriation:

State Building Construction Account—  
State ..... \$450,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$450,000

Sec. 1036. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal..... \$33,315,000

State Building Construction Account—  
State ..... (~~\$7,863,000~~)  
\$8,600,000

Military Department Capital Account—  
State ..... (~~\$375,000~~)  
\$802,000

Subtotal Appropriation (~~(\$41,553,000)~~)  
\$42,717,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$41,553,000~~  
\$42,717,000

Sec. 1037. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal... (~~\$3,776,000~~)  
\$3,933,000

State Building Construction Account—  
State.....\$1,821,000

Military Department Capital Account—  
State.....\$51,000

Subtotal Appropriation. (~~(\$5,597,000)~~)  
\$5,805,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....~~\$5,597,000~~  
\$5,805,000

Sec. 1038. 2018 c 2 s 1052 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)

Appropriation:

General Fund—Federal.. (~~\$10,171,000~~)  
\$21,961,000

Military Department Capital Account—  
State.....\$75,000

State Building Construction Account—  
State.....\$2,661,000

Subtotal Appropriation (~~(\$12,832,000)~~)  
\$24,697,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....~~\$12,832,000~~  
\$24,697,000

PART 2

HUMAN SERVICES

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (30000021)  
 Appropriation:  
 State Building Construction Account—  
 State ..... ((\$740,000))  
\$800,000  
 Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)... \$0  
 TOTAL..... \$740,000  
\$800,000

**Sec. 2002.** 2018 c 2 s 2002  
 (uncodified) is amended to read as  
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
 HEALTH SERVICES**

Behavioral Health: Compliance with  
 Systems Improvement Agreement (30003849)

The reappropriation in this section is  
 subject to the following conditions and  
 limitations: The reappropriation is  
 subject to the provisions of section  
 6008, chapter 4, Laws of 2017, 3rd sp.  
 sess.

Reappropriation:

State Building Construction Account—  
 State ..... \$2,720,000

Appropriation:

State Building Construction Account—  
 State ..... \$2,900,000

Prior Biennia  
 (Expenditures) ..... \$3,280,000

Future Biennia (Projected Costs)... \$0

TOTAL..... \$6,000,000

\$8,900,000

**Sec. 2003.** 2018 c 2 s 2006  
 (uncodified) is amended to read as  
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
 HEALTH SERVICES**

Minor Works Preservation Projects:  
 Statewide (30002235)

Appropriation:

State Building Construction Account—  
 State ..... ((\$12,000,000))

\$12,530,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
 Costs).....\$171,510,000  
 TOTAL.....\$183,510,000  
\$184,040,000

**Sec. 2004.** 2018 c 2 s 2008  
 (uncodified) is amended to read as  
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
 HEALTH SERVICES**

Echo Glen - Housing Unit: Acute Mental  
 Health Unit (30002736)

Appropriation:

State Building Construction Account—  
 State..... ((\$9,520,000))

\$9,806,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$9,520,000

\$9,806,000

**Sec. 2005.** 2018 c 2 s 2009  
 (uncodified) is amended to read as  
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
 HEALTH SERVICES**

Statewide - RA Community Facilities:  
 Safety & Security Improvements  
 (30002737)

Appropriation:

Charitable, Educational, Penal, and  
 Reformatory

Institutions Account—  
 State..... ((\$2,000,000))

\$200,000

State Building Construction Account—  
 State.....\$1,800,000

Subtotal Appropriation.....\$2,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$2,000,000

**NEW SECTION. Sec. 2006.** A new section  
 is added to 2018 c 2 (uncodified) to read  
 as follows:**FOR THE DEPARTMENT OF SOCIAL  
 AND HEALTH SERVICES**



Fircrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in King county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account- State .....	\$300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$17,115,000
TOTAL .....	\$17,415,000

**NEW SECTION. Sec. 2007.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing

building; and (iii) purchase of a recently closed nursing facility in Pierce county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account- State.....	\$300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$17,115,000
TOTAL .....	\$17,415,000

**Sec. 2008.** 2018 c 2 s 2012 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account- State.....	<del>(\$1,312,000)</del>
	\$1,200,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$11,000,000
TOTAL .....	<del>\$12,312,000</del>
	\$12,200,000

**Sec. 2009.** 2018 c 2 s 2013 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$12,130,000)~~)

\$12,494,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$12,130,000

\$12,494,000

**Sec. 2010.** 2018 c 2 s 2014  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES**

Special Commitment Center - King  
County SCTF: Expansion (30003564)

The appropriation in this section is  
subject to the following conditions and  
limitations: No funds may be allotted  
until the department consults with the  
city of Seattle.

Appropriation:

State Building Construction Account-  
State ..... (~~(\$2,570,000)~~)

\$2,610,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$2,570,000

\$2,610,000

**NEW SECTION. Sec. 2011.** A new section  
is added to 2018 c 2 (uncodified) to read  
as follows: **FOR THE DEPARTMENT OF SOCIAL  
AND HEALTH SERVICES**

Yakima Valley School - Multiple  
Buildings: Safety Improvements  
(30003573)

Appropriation:

State Building Construction Account-  
State ..... \$500,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$500,000

**Sec. 2012.** 2018 c 2 s 2021  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES**

Fircrest School: Campus Master Plan &  
Rezone (30003601)

The appropriation in this section is  
subject to the following conditions and  
limitations:

(1) The appropriation is for the  
fircrest school campus master plan and  
rezone.

(2) At any time during the 2017-2019  
biennium, the department of social and  
health services may transfer to the  
department of health approximately five  
acres east of the existing department of  
health property for the purpose of future  
expansion of the public health laboratory  
by the department of health, in  
accordance with the master plans of both  
agencies. Funds appropriated in this  
section may be used for expenses  
incidental to the transfer of the  
property.

(3) The department must consult with  
the north city water district in any  
planning meetings on the fircrest master  
plan.

Appropriation:

Charitable, Educational, Penal, and  
Reformatory

Institutions Account-State...\$200,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$200,000

**Sec. 2013.** 2018 c 2 s 2024  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES**

Western State Hospital - Building 28:  
Treatment & Recovery Center (40000024)

Appropriation:

State Building Construction Account-  
State..... (~~(\$1,000,000)~~)

\$600,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected  
Costs).....\$6,475,000

TOTAL.....\$7,475,000

\$7,075,000

**Sec. 2014.** 2018 c 2 s 2025 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account—State ..... (~~(\$2,800,000)~~)

\$3,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$2,800,000~~

\$3,000,000

**Sec. 2015.** 2018 c 2 s 2026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Wards Renovations for Forensic Services (40000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account—State ..... (~~(\$1,560,000)~~)

\$10,560,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... \$9,600,000

TOTAL.....~~\$11,160,000~~

\$20,160,000

**NEW SECTION. Sec. 2016.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State.....\$400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$4,875,000

TOTAL.....\$5,275,000

**NEW SECTION. Sec. 2017.** 2018 c 2 s 2030 (uncodified) is repealed.

**NEW SECTION. Sec. 2018.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State.....\$1,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$1,400,000

**NEW SECTION. Sec. 2019.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State.....\$2,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$2,400,000

**NEW SECTION. Sec. 2020.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State .....	\$3,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$3,500,000

**NEW SECTION. Sec. 2021.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Juvenile Confinement Facilities Expansion (92000028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall develop a predesign study that provides an assessment of beds required to support the requirements of legislation, including chapter . . . (Substitute House Bill No. 2895), Laws of 2018 and chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018.

(2) The study must assess (a) the inventory of available beds in any state facility or other public facility that may be available for this purpose including county facilities and surplus state facilities; (b) any costs required to make the beds useable for the purposes in this section; (c) the schedule for each facility to be available; and (d) any obstacles that may prevent the use of the facility.

Appropriation:

State Building Construction Account—State .....	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$250,000

**Sec. 2022.** 2018 c 2 s 2031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Newborn Screening Wing Addition (30000301)

Appropriation:

State Building Construction Account—State..... ((~~\$2,510,000~~))

\$2,585,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,510,000

\$2,585,000

**NEW SECTION. Sec. 2023.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Building 10 (40000004)

Appropriation:

State Building Construction Account—State.....\$750,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$750,000

**NEW SECTION. Sec. 2024.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:

State Building Construction Account—State.....\$250,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$250,000

**Sec. 2025.** 2018 c 2 s 2042 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The ~~((appropriation is provided solely for the department to develop a predesign. The))~~ department shall develop a predesign for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or ~~((less))~~ fewer boilers with a life cycle cost

analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are (~~allotted~~) allotted.

Appropriation:

State Building Construction Account—State ..... \$1,000,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)... \$0  
TOTAL..... \$1,000,000

**NEW SECTION. Sec. 2026.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

CBC: Replace Fire Alarm System (30000748)

Appropriation:

State Building Construction Account—State ..... \$355,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)... \$0  
TOTAL..... \$355,000

**NEW SECTION. Sec. 2027.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Bldg E Roof Replacement (30000810)

Appropriation:

State Building Construction Account—State ..... \$2,696,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)... \$0  
TOTAL..... \$2,696,000

**Sec. 2028.** 2018 c 2 s 2046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CBC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:

State Building Construction Account—State..... (~~\$1,100,000~~)  
\$2,180,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)... \$0  
TOTAL..... ~~\$1,100,000~~  
\$2,180,000

**Sec. 2029.** 2018 c 2 s 2047 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Program and Support Building (30001101)

Appropriation:

State Building Construction Account—State..... (~~\$8,685,000~~)  
\$9,685,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)... \$0  
TOTAL..... ~~\$8,685,000~~  
\$9,685,000

**Sec. 2030.** 2018 c 2 s 2054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health

regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by ((October 15)) December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:

State Building Construction Account—State .....	\$250,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$250,000

**NEW SECTION. Sec. 2031.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Appropriation:

Accident Account—State .....	\$517,000
Medical Aid Account—State .....	\$517,000
Subtotal Appropriation .....	\$1,034,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$2,900,000
TOTAL .....	\$3,934,000

**PART 3  
NATURAL RESOURCES**

**Sec. 3001.** 2018 c 2 s 3010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information, and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:

State Building Construction Account—State .....	<del>(\$35,389,000)</del> \$35,464,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$35,389,000

\$35,464,000

**NEW SECTION. Sec. 3002.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Appropriation:

Local Toxics Control Account-  
State ..... \$5,877,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
Costs) ..... \$80,000,000

TOTAL..... \$85,877,000

**NEW SECTION. Sec. 3003.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:

State Toxics Control Account-  
State ..... \$1,740,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
Costs) ..... \$40,000,000

TOTAL..... \$41,740,000

**NEW SECTION. Sec. 3004.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Appropriation:

State Toxics Control Account-  
State ..... \$2,182,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
Costs) ..... \$40,000,000

TOTAL..... \$42,182,000

**Sec. 3005.** 2018 c 2 s 3021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the appropriation is provided solely for grants for stormwater retrofit projects consistent with the immediate actions and recommendations developed by the southern resident killer whale recovery efforts that reduce stormwater pollutants in areas where southern resident killer whales are regularly present.

Appropriation:

State Building Construction Account-  
State.....\$25,000,000

State Toxics Control Account-  
State.....\$11,400,000

Subtotal Appropriation....\$36,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected  
Costs).....\$120,000,000

TOTAL.....\$145,000,000

\$156,400,000

**Sec. 3006.** 2018 c 2 s 3015 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000712)

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

(1) \$10,000,000 of the appropriations are provided solely for the east Columbia basin irrigation district.

(2) \$5,000,000 of the appropriations are provided solely for a ((~~forty seven and one half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres~~) ground water replacement distribution system with a pump station located at east low canal mile 47.5. Funds must be prioritized to include costs associated with the pump station, pumps and electrical/power grid system that has the capacity to ultimately serve 10,500 eligible acres in the distribution service area. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account—	
State .....	\$19,550,000
Columbia River Basin Water Supply	
Development	
Account—State.....	\$12,250,000
Columbia River Basin Water Supply	
Revenue Recovery	
Account—State.....	\$2,000,000
Subtotal Appropriation....	\$33,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected	
Costs) .....	\$72,000,000
TOTAL.....	\$105,800,000

Sec. 3007. 2018 c 2 s 3018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase

or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

(4) \$2,500,000 of the appropriation is provided solely for a grant to the Union Gap irrigation district to mitigate potential asset loss associated with Rattlesnake Ridge landslide in Yakima county and includes, but is not limited to, construction of a pumping station adjacent to the Sunnyside irrigation district canal and installation of pipe and conveyance under the Yakima Valley highway to the Union Gap irrigation canal. The grant must require that the Union Gap irrigation district should pursue funding or reimbursement of costs from potential sources of reimbursement. The grant must further require that, if the total proceeds exceed total mitigation costs for this work, the irrigation district must reimburse the difference up to the amount paid by the state to the state conservation commission.

Appropriation:

State Building Construction Account—	
State.....	<del>(\$4,000,000)</del>
	\$6,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$4,000,000
	\$6,500,000

Sec. 3008. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (4000018)



~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.~~

~~(2) (a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.~~

~~(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:~~

~~(i) The department of transportation's electric vehicle infrastructure bank program;~~

~~(ii) The state alternative fuel commercial vehicle tax credit;~~

~~(iii) The state sales and use tax exemption for clean vehicles; and~~

~~(iv) Public transportation grant programs administered by the department of transportation.~~

~~(e) (i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.~~

~~(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.~~

~~(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.~~

~~(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group 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, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.~~

~~(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:~~

~~(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;~~

~~(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;~~

~~(e) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;~~

~~(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;~~

~~(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and~~

~~(f) Priority must be given to projects that have the highest benefit cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.~~

~~(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:~~

~~(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;~~

~~(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;~~

~~(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;~~

~~(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;~~

~~(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean going vessels' shore power;~~

~~(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;~~

~~(vii) No more than twenty percent of funding provided during the 2017-2019~~

~~biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and~~

~~(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.~~

~~(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.~~

~~(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.~~

~~(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.~~

~~(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.~~

~~(8) For the purposes of this section:~~

~~(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.~~

~~(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)~~

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the requirements of the Volkswagen "clean diesel" marketing, sales practice, and products liability litigation settlement.

(2) All expenditures from this appropriation must:

(a) Be consistent with the terms of this settlement;

(b) Be consistent with the state of Washington beneficiary mitigation plan adopted by the department and approved by the Volkswagen settlement trustee; and

(c) Help achieve the state's results Washington goal of fifty thousand electric vehicles on the road by 2020.

(3) Fifteen percent of this appropriation must be spent on projects for the acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment and infrastructure. The department of ecology shall work with the department of transportation to select projects and distribute funding contained in this subsection.

(4) The remaining eighty-five percent of this appropriation must be spent on projects as defined by the eligible categories in attachment A, appendix D-2 of the Volkswagen settlement and upon approval by the settlement trustee. The department of ecology shall use a competitive process to identify and select projects that maximize total air pollution reduction and health benefits; improve air quality in areas disproportionately affected by air pollution; leverage additional matching funds; achieve substantial emission reductions beyond what would occur absent this funding; accelerate fleet turnover to the cleanest engines, and accelerate adoption of electric vehicles, equipment, and vessels. The department of ecology shall work with the department of transportation as appropriate to select projects and distribute funding contained in this subsection.

Appropriation:

General Fund-  
Private/Local ..... ((\$20,000,000))  
\$112,700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ...\$0  
TOTAL .....\$20,000,000  
\$112,700,000

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows: FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000108)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,100,000 of the appropriation is provided solely for the Mount Baker property cleanup project.

(2) (a) The department, in collaboration with the department of commerce, shall develop a competitive process to select projects for funding, to include scoring conducted by a group of qualified experts from the department of ecology and the department of commerce. The criteria used to determine the scoring and priority for funding must include, but are not limited to, the following:

(i) Contaminated sites must be within the urban growth area boundaries;

(ii) Contaminated sites must be zoned for residential or mixed-use;

(iii) Locational suitability of contaminated sites for the development of affordable housing;

(iv) Degree of contamination and complexity of contaminated sites;

(v) Timing of delivery of affordable housing units; and

(vi) The extent to which the project leverages other funds.

(b) Funding recipients must restrict the use of the cleaned up property to affordable housing.

(c) As part of the program, the department of ecology may enter into and administer grants or other funding agreements for contaminated site identification, planning, investigation, or cleanup eligible persons, to ensure the safe and healthy development of property suitable for affordable housing as defined in RCW 43.63A.510(3). Eligible persons means a local government, a potentially liable person, or a

prospective purchaser as each of these terms is defined in RCW 70.105D.020.

(d) By October 1, 2018, the department must submit a report to the office of financial management and the legislature. At a minimum, the report must identify:

(i) Program application and selection process;

(ii) The total number of applications and amount of funding requested for this program; and

(ii) A list of projects, description of projects, and location and number of affordable housing units developed or to be developed.

Appropriation:

State	Toxics	Control	Account-
State .....			\$5,100,000
Prior Biennia (Expenditures) .....			\$0
Future	Biennia	(Projected	
Costs) .....		Costs) .....	\$20,400,000
TOTAL .....			\$25,500,000

**NEW SECTION. Sec. 3010.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed

natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air	Pollution	Control	Account-
State .....			\$28,400,000
Prior Biennia (Expenditures) .....			\$0
Future Biennia (Projected			
Costs) .....		Costs) .....	\$0
TOTAL .....			\$28,400,000

**Sec. 3011.** 2018 c 2 s 3027 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$3,000,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:

Watershed Restoration and Enhancement Bond

Account-State.....	\$20,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$280,000,000
TOTAL.....	\$300,000,000

**NEW SECTION. Sec. 3012.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the department of ecology to jointly pursue studies to evaluate instream flow needs and existing and future out-of-stream water use demands within Skagit river water resource inventory area 4 (Upper Skagit) regulated by chapter 173-503 WAC. These studies must be completed and reported to the appropriate legislative committees and task force by December 1, 2019.

(b) These studies must be based on best available science and peer-reviewed by those with demonstrated instream flow expertise.

(2) \$2,000,000 of the appropriation is provided solely for studies identified by the task force established in section 7011 of this act.

Appropriation:

State Building Construction Account-State .....	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$2,500,000

**Sec. 3013.** 2018 c 2 s 3029 (uncodified) is amended to read as follows:

**FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)	
--	--

Appropriation:

PLIA Underground Storage Tank Revolving	
Account-State.....	<del>(\$20,000,000)</del>
	\$12,700,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$80,000,000
TOTAL.....	\$100,000,000
	\$92,700,000

**Sec. 3014.** 2018 c 2 s 3030 (uncodified) is amended to read as follows:

**FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Leaking Tank Model Remedies (30000669)

The appropriation in this section is subject to the following conditions and limitations: The appropriation may be used for staff costs to support the program.

Appropriation:

State Building Construction Account-State.....	\$1,106,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$1,106,000

**Sec. 3015.** 2018 c 2 s 3031 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Twin Harbors State Park: Renovation (30000086)

Appropriation:

State Building Construction Account-State.....	<del>(\$471,000)</del>
	\$496,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$25,986,000
TOTAL.....	\$26,457,000
	\$26,482,000

**Sec. 3016.** 2018 c 2 s 3032 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Appropriation:

State Building Construction Account—State ..... ((\$3,217,000))

\$3,386,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... \$3,823,000

TOTAL..... \$7,040,000

\$7,209,000

**Sec. 3017.** 2018 c 2 s 3033 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:

State Building Construction Account—State ..... ((\$206,000))

\$217,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... \$1,399,000

TOTAL..... \$1,605,000

\$1,616,000

**Sec. 3018.** 2018 c 2 s 3034 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

State Building Construction Account—State ..... ((\$277,000))

\$292,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$1,478,000

TOTAL..... \$1,755,000

\$1,770,000

**Sec. 3019.** 2018 c 2 s 3035 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account—State..... ((\$1,516,000))

\$1,596,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL..... \$1,516,000

\$1,596,000

**Sec. 3020.** 2018 c 2 s 3036 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

State Building Construction Account—State..... ((\$541,000))

\$569,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$10,639,000

TOTAL..... \$11,180,000

\$11,208,000

**Sec. 3021.** 2018 c 2 s 3037 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$401,000)~~)  
\$422,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... \$3,817,000  
TOTAL..... \$4,219,000  
\$4,239,000

**Sec. 3022.** 2018 c 2 s 3038  
(uncodified) is amended to read as  
follows:

**FOR THE STATE PARKS AND RECREATION  
COMMISSION**

Beacon Rock Entrance Road Realignment  
(30000647)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$348,000)~~)  
\$366,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... \$17,346,000  
TOTAL..... \$17,694,000  
\$17,712,000

**Sec. 3023.** 2018 c 2 s 3039  
(uncodified) is amended to read as  
follows:

**FOR THE STATE PARKS AND RECREATION  
COMMISSION**

Goldendale Observatory - Expansion  
(30000709)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$2,250,000)~~)  
\$2,700,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... \$2,250,000  
TOTAL..... \$4,500,000  
\$4,950,000

**Sec. 3024.** 2018 c 2 s 3040  
(uncodified) is amended to read as  
follows:

**FOR THE STATE PARKS AND RECREATION  
COMMISSION**

Kopachuck Day Use Development  
(30000820)

Appropriation:

State Building Construction Account-  
State..... (~~(\$5,538,000)~~)  
\$5,619,000  
Prior Biennia (Expenditures) . \$296,000  
Future Biennia (Projected  
Costs)..... \$2,812,000  
TOTAL..... \$8,646,000  
\$8,727,000

**Sec. 3025.** 2018 c 2 s 3044  
(uncodified) is amended to read as  
follows:

**FOR THE STATE PARKS AND RECREATION  
COMMISSION**

Fort Worden - Replace Failing Sewer  
Lines (30000860)

Appropriation:

State Building Construction Account-  
State..... (~~(\$2,204,000)~~)  
\$2,320,000  
Prior Biennia (Expenditures) . \$234,000  
Future Biennia (Projected Costs) ... \$0  
TOTAL..... \$2,438,000  
\$2,554,000

**Sec. 3026.** 2018 c 2 s 3045  
(uncodified) is amended to read as  
follows:

**FOR THE STATE PARKS AND RECREATION  
COMMISSION**

Birch Bay - Replace Failing Bridge  
(30000876)

Appropriation:

State Building Construction Account-  
State..... (~~(\$320,000)~~)  
\$337,000  
Prior Biennia (Expenditures) ..... \$0  
Future Biennia (Projected  
Costs)..... \$1,032,000  
TOTAL..... \$1,352,000  
\$1,369,000

Sec. 3027. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account-State ..... ((\$697,000))

\$734,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... \$9,072,000

TOTAL..... \$9,769,000

\$9,806,000

Sec. 3028. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.-))~~

Appropriation:

State Building Construction Account-State ..... ((\$1,109,000))

\$1,167,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$1,109,000

\$1,167,000

Sec. 3029. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:

State Building Construction Account-State..... ((\$2,018,000))

\$2,124,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,018,000

\$2,124,000

Sec. 3030. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:

State Building Construction Account-State..... ((\$1,093,000))

\$1,151,000

Prior Biennia (Expenditures) .\$121,000

Future Biennia (Projected Costs).....\$3,859,000

TOTAL.....\$5,073,000

\$5,131,000

Sec. 3031. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:

State Building Construction Account-State..... ((\$553,000))

\$582,000

Prior Biennia (Expenditures) .\$165,000

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$718,000

\$747,000



Sec. 3032. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

\$450,000

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account-State ..... ((\$1,845,000))

\$1,491,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$1,845,000

\$1,491,000

Sec. 3033. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Moran Summit Learning Center - Interpretive Facility (30000980)

Appropriation:

State Building Construction Account-State ..... ((\$964,000))

\$1,015,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$964,000

\$1,015,000

Sec. 3034. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Penrose Point Sewer Improvements (30000981)

Appropriation:

State Building Construction Account-State ..... ((\$428,000))

\$450,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$428,000

Sec. 3035. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:

State Building Construction Account-State..... ((\$209,000))

\$220,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$4,359,000

TOTAL..... \$4,568,000

\$4,579,000

Sec. 3036. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Sunset Beach Picnic Area (30000984)

Appropriation:

State Building Construction Account-State..... ((\$2,760,000))

\$2,760,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$2,760,000

\$2,760,000

Sec. 3037. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account-State..... ((\$475,000))

\$500,000

Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs) ..... \$4,996,000  
 TOTAL..... ~~\$5,471,000~~  
\$5,496,000

**Sec. 3038.** 2018 c 2 s 3061 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State ..... (~~\$238,000~~)  
\$250,000

Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs) ..... \$5,016,000  
 TOTAL..... ~~\$5,254,000~~  
\$5,266,000

**Sec. 3039.** 2018 c 2 s 3062 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State ..... (~~\$713,000~~)  
\$750,000

Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs) ..... \$5,058,000  
 TOTAL..... ~~\$5,771,000~~  
\$5,808,000

**Sec. 3040.** 2018 c 2 s 3063 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—State..... (~~\$297,000~~)  
\$313,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$11,114,000  
 TOTAL..... ~~\$11,411,000~~  
\$11,427,000

**Sec. 3041.** 2018 c 2 s 3064 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—State..... (~~\$266,000~~)  
\$280,000

Prior Biennia (Expenditures)..... \$0  
 Future Biennia (Projected Costs)..... \$798,000  
 TOTAL..... ~~\$1,064,000~~  
\$1,078,000

**Sec. 3042.** 2018 c 2 s 3065 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—State..... (~~\$358,000~~)  
\$377,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$3,817,000  
 TOTAL..... ~~\$4,175,000~~  
\$4,194,000

NEW SECTION. **Sec. 3043.** A new section is added to 2018 c 2 (uncodified) to read

as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Station Pilot Project (91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—State ..... \$1,167,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$1,167,000

Sec. 3044. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Step toe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—State ..... ((\$443,000))
\$466,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) ..... \$3,789,000
TOTAL..... \$4,232,000
\$4,255,000

Sec. 3045. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—State ..... ((\$2,560,000))

\$2,695,000

Prior Biennia (Expenditures) .....\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....\$2,560,000
\$2,695,000

NEW SECTION. Sec. 3046. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Appropriation:

State Building Construction Account—State.....\$300,000
Prior Biennia (Expenditures).....\$0
Future Biennia (Projected Costs).....\$400,000
TOTAL.....\$700,000

NEW SECTION. Sec. 3047. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Appropriation:

State Building Construction Account—State.....\$1,000,000
Prior Biennia (Expenditures) .....\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....\$1,000,000

NEW SECTION. Sec. 3048. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Appropriation:

State Building Construction Account—State.....\$742,000
Prior Biennia (Expenditures) .....\$0
Future Biennia (Projected Costs).....\$2,829,000
TOTAL.....\$3,571,000

**Sec. 3049.** 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—  
State ..... \$2,707,000

Appropriation:

State Building Construction Account—  
State ..... \$172,000

Prior Biennia (Expenditures) . \$792,000

Future Biennia (Projected Costs) ... \$0

TOTAL..... \$3,499,000

\$3,671,000

**Sec. 3050.** 2018 c 2 s 3075 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Aquatic Lands Enhancement Account (30000413)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations: The appropriations in this section (~~is~~) are provided solely for the (~~Barnum Point waterfront~~) list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Appropriation:

State Building Construction Account—  
State ..... \$10,685,000

Aquatic Lands Enhancement Account—  
State ..... (~~\$1,000,000~~)

\$1,600,000

Subtotal Appropriation.... \$12,285,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$1,000,000

\$12,285,000

NEW SECTION. **Sec. 3051.** A new section is added to 2018 c 2 (uncodified) to read

as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**

Recreational Assets of Statewide Significance (92000446)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the study required in section 7012 of this act.

Appropriation:

State Building Construction Account—  
State.....\$100,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$100,000

**Sec. 3052.** 2018 c 2 s 3091 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:

State Building Construction Account—  
State.....\$4,000,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs).....\$20,000,000

TOTAL.....\$24,000,000

**Sec. 3053.** 2018 c 2 s 3092 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account-state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account-State .....	(\$2,000,000)	
		\$4,000,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$1,752,000	
TOTAL.....	\$3,752,000	\$5,752,000

Sec. 3054. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minor Works - Programmatic (30000782)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$130,000 of the appropriation is provided to review state hatcheries to identify opportunities to increase salmon production with a focus on the needs of the southern resident killer whale. The review must include a survey of existing hatcheries and cost estimates to increase salmon and steelhead production within existing capacity, and to identify where hatcheries could be expanded to increase production. The review must be consistent with the federal endangered species act requirements and tribal treaty obligations. The review must be conducted in consultation with tribal comanagers, the hatchery scientific review group, and appropriate federal agencies. The review must be provided to the governor's office, the office of financial

management, and the fiscal committees of the legislature by October 1, 2018.

(2) Up to \$30,000 is provided for the installation of 15 new fish screens to support the southern resident orca recovery.

(3) Up to \$665,000 is provided for hatchery improvements to increase chinook production to support the southern resident orca recovery.

Appropriation:

State Building Construction Account-State.....	(\$2,000,000)	
		\$2,825,000
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$2,000,000	\$2,825,000

NEW SECTION. Sec. 3055. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:

State Building Construction Account-State.....	\$800,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$5,849,000	
TOTAL.....	\$6,649,000	

NEW SECTION. Sec. 3056. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:

State Building Construction Account-State.....	\$1,331,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$1,331,000	

Sec. 3057. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Replacement (30000264)	
Appropriation:	
Resources Management Cost Account—State .....	\$30,000,000
Natural Resources Real Property Replacement—State.....	<del>(\$30,000,000)</del>
	<u>\$12,300,000</u>
Community and Technical College Forest Reserve	
Account—State.....	\$1,000,000
Subtotal Appropriation ( <del>\$61,000,000</del> )	
	<u>\$43,300,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<del>\$61,000,000</del>
	<u>\$43,300,000</u>

Sec. 3058. 2018 c 2 s 3122 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By (~~September 30, 2018~~) June 30, 2019, the department must deposit in the common school construction account the portion of the appropriation

in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, (~~2018~~) 2019, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State.....	\$10,000,000
Prior Biennia (Expenditures) .....	\$0

Future Biennia (Projected Costs)... \$0  
 TOTAL..... \$10,000,000

**Sec. 3059.** 2018 c 2 s 3123 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal

endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—  
 State..... (~~\$3,000,000~~)  
\$4,500,000  
 Prior Biennia (Expenditures) .....\$0  
 Future Biennia (Projected Costs) ...\$0  
 TOTAL.....\$3,000,000  
\$4,500,000

**NEW SECTION. Sec. 3060.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

NE Region Storm Damage Road Repair (40000002)

Appropriation:

State Building Construction Account—  
 State.....\$429,000  
 Prior Biennia (Expenditures) .....\$0  
 Future Biennia (Projected Costs) ...\$0  
 TOTAL.....\$429,000

NEW SECTION. **Sec. 3061.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the common school trust assets held in the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

(3) If moneys available in the natural resources real property replacement account that are attributable to the common school trust are not sufficient to achieve the intended purposes of this section, then the department must explore and report alternative solutions to the legislature, including:

(i) Establishing or joining a local improvement district;

(ii) Borrowing funds through an alternative financing process, that uses existing water certificates, timber cutting rights, or other trust asset value as a basis for a loan; or

(iii) Other alternatives as the department may suggest.

Appropriation:

Natural Resources Real Property Replacement

Account-State..... \$17,700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$17,700,000

**Sec. 3062.** 2018 c 2 s 3132 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) A minimum of twenty-five public school facilities that have a capacity of two hundred fifty or more persons and are routinely used for ((student activities by)) the instruction of students in kindergarten through twelfth grade ((public schools)). The survey must be a representative sample of urban and rural school districts located in different geographical areas of the state; ~~((and))~~

(b) Public school facilities with capacity of fewer than two hundred fifty persons; and

(c) Fire stations located within a one-mile radius of a facility described in ((subsection (1))) (a) of this subsection.

(2) The department must coordinate survey efforts made under subsection (1) (a) and (b) of this section whenever possible.

(3) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsection((~~1~~)) (1) (a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of



the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

~~((3))~~ (4) ~~The department ((shall develop geographic information system databases of survey data and))~~ must collect and submit survey data to the superintendent of public instruction in a format compatible with the inventory and condition of schools database. The department must enter into an agreement with the superintendent of public instruction to make any necessary modifications to the inventory and condition of schools database to receive and report the survey data.

(5) The department must share that data with the governor ~~((, the superintendent of public instruction,))~~ and the appropriate legislative committees.

~~((4))~~ (6) The department and the office of the superintendent of public instruction must provide technical assistance to the school facilities sampled to incorporate survey information into their school safety plans.

(7) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ~~((office of financial management and the))~~ appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:

State Building Construction Account—State.....	\$1,200,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$1,200,000

**NEW SECTION. Sec. 3063.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further prioritize a list of community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) The department must develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:

State Building Construction Account—State.....	\$75,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$75,000

**NEW SECTION. Sec. 3064.** A new section is added to 2018 c 2 (uncodified) to read

as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Castle Rock/DNR Land Swap (91000094)

Appropriation:

State Building Construction Account—State .....	\$13,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$13,000

**NEW SECTION. Sec. 3065.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port of Willapa Harbor Energy Innovation District (91000099)

Appropriation:

State Building Construction Account—State .....	\$1,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$1,500,000

**NEW SECTION. Sec. 3066.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Assessing and Improving Economic Performance of Trust Lands (91000100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7015 of this act.

Appropriation:

State Building Construction Account—State .....	\$555,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$555,000

**Sec. 3067.** 2018 c 2 s 3135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:

State Building Construction Account—State .....	(\$2,000,000)	\$2,100,000
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL .....	\$2,000,000	\$2,100,000

**PART 4**

**TRANSPORTATION**

**Sec. 4001.** 2018 c 2 s 4001 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Stormwater Remediation (30000030)

Appropriation:

Fire Service Training Account—State .....	(\$3,000,000)	\$3,132,000
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL .....	\$3,000,000	\$3,132,000

**Sec. 4002.** 2018 c 2 s 4002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION**

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 ~~((of this act)), chapter 2, Laws of 2018 and section 7010 of this act for direct loans to ((political subdivisions of)) airport sponsors of public use airports in the state ((and privately owned airports)) for the purpose of improvements ((at public use airports)) that primarily support general aviation activities.~~

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the ~~((capital budget)) chairs and ranking minority members of the ((capital budget)) transportation committees of the house of representatives and the senate ((ways and means committee)), and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.~~

(3) The board may provide loans ~~((to privately owned airports))~~ for the purpose of airport improvements only if the state is receiving commensurate public benefit, ~~((such as guaranteed long term))~~ which must include, as a condition of the loan, a commitment to provide public access to the airport

~~((as)) for a ((condition)) period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" ((that primarily support general aviation activities))~~ means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account-State.....	<del>(((\$5,000,000))</del>
	\$2,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$5,000,000

\$2,500,000

**PART 5**

**EDUCATION**

**Sec. 5001.** 2017 3rd sp.s. c 4 s 5011 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account—State .....	<del>(\$209,100,000)</del>	<u>\$210,120,000</u>
State Building Construction Account—State .....	\$92,767,000	
Subtotal		
Reappropriation .....	<del>(\$301,867,000)</del>	<u>\$302,887,000</u>
Prior Biennia (Expenditures) .....	\$248,519,000	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	<u>\$550,386,000</u>	<u>\$551,406,000</u>

**Sec. 5002.** 2018 c 2 s 5002 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids/Healthy Schools (30000184)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop criteria for providing funding for specific projects that are consistent

with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation for grants awarded in subsections (3), (4), and (5) of this section;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) A maximum of \$1,000,000 of the appropriation may be used for the replacement of lead-contaminated drinking water fixtures.

(3) A maximum of \$1,000,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's physical health and may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(4) A maximum of \$250,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's awareness and participation in sustaining efficient schools and may include, but is not limited to: Dashboards that display energy savings, composting systems, and recycling stations.

(5) The remaining portion of the appropriation is provided solely to purchase equipment or make repairs related to improving children's nutrition and may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account—State.....	\$3,250,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL.....	<u>\$27,250,000</u>

Sec. 5003. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account-state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account-State ..... ((\$672,423,000)) \$688,207,000

Common School Construction Account-State ..... ((\$255,581,000)) \$255,984,000

Common School Construction Account-Federal ..... \$3,000,000

School Construction and Skill Centers Building

Account-State..... \$1,559,000

Subtotal Appropriation ..... ((\$932,563,000)) \$948,750,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ..... \$5,136,856,000

TOTAL..... \$6,069,419,000 \$6,085,606,000

Sec. 5004. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account-State ..... ((\$3,600,000)) \$3,390,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs).....\$13,097,000 TOTAL.....\$16,697,000 \$16,487,000

Sec. 5005. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

(b) (~~Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

~~(e)~~) Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State .....	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL .....	\$1,000,000

**Sec. 5006.** 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State .....	<del>(\$387,000)</del>	\$339,000
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School Construction and Skill Centers Building

Account—State .....	\$38,000	
Subtotal Reappropriation .....	\$377,000	
Prior Biennia (Expenditures) .....	<del>(\$21,450,000)</del>	\$21,460,000
Future Biennia (Projected Costs) ...	\$0	
TOTAL .....	\$21,837,000	

**Sec. 5007.** 2018 c 2 s 5010 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$7,900,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5) \$3,500,000 of the appropriation in this section is provided solely for the Chief Leschi school's auditorium.

(6) \$2,900,000 of the appropriation in this section is provided solely for the Glacier site middle school in the Highline school district.

(7) (a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State .....	<del>(\$21,186,000)</del>	\$45,486,000
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL .....	<del>\$21,186,000</del>	\$45,486,000

Sec. 5008. 2018 c 2 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Rural District Modernization Grants (92000040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to assist small, rural school districts with total enrollments of one thousand students or less, with school facilities with significant building systems deficiencies, and with such low property values that replacing or modernizing the school facility through the school construction assistance program would present an extraordinary tax burden on property owners or would exceed allowable debt for the district.

(2) (~~(\$11,198,000)~~) \$15,349,000 of the appropriation is provided solely for projects in small rural districts where the school facility does not need to be replaced or require an extensive modernization, but does have significant building system deficiencies. Grants may not exceed \$5,000,000. The office of the superintendent of public instruction shall prepare an expedited grant application process in selecting the grant recipients funded by this subsection.

(3) (~~(\$23,802,000)~~) \$25,651,000 of the appropriation is provided solely for the following projects in the following amounts:

- Mount Adams School District K-8 Elementary ..... \$14,277,000
South Bend School District. \$7,712,000
Lopez Island School District ..... \$1,813,000
Wishkah Valley School..... \$576,000
Damman School..... \$1,273,000

(4) For projects in this section that are also eligible for funding through the school construction assistance program (SCAP), the office of the superintendent of public instruction must expedite and streamline the SCAP administrative requirements, timelines, and matching requirements in order for the funds provided in this section to be used

promptly. Funds provided in this section, plus state funds provided in the SCAP grant, plus available local funds, must not exceed total project costs.

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account-State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 5009. A new section is added to 2018 c 2 (uncodified) to read as follows: FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Academic and Physical Education Building (30000036)

The appropriation in this section is subject to the following conditions and limitations: A predesign study must provide options for modifying an existing building, or multiple buildings, on the campus that will house the elementary and secondary departments. Five aging and decayed buildings may be demolished with remaining amounts.

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account-State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

Sec. 5010. 2018 c 2 s 5015 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

2017-19 Minor Public Works (30000029)

Appropriation:

Table with 2 columns: Description and Amount. Rows include State Building Construction Account-State and Prior Biennia (Expenditures).

Future Biennia (Projected Costs) .....	(\$4,000,000)	\$0
TOTAL.....	\$4,307,000	<u>\$1,218,000</u>

**Sec. 5011.** 2018 c 2 s 5016 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Burke Museum (20082850)

Appropriation:

State Building Construction Account—State .....	(\$24,200,000)	\$24,900,000
Prior Biennia (Expenditures) .....	\$29,800,000	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$54,000,000	<u>\$54,700,000</u>

**NEW SECTION. Sec. 5012.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

State Building Construction Account—State .....	\$600,000	
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$49,000,000	
TOTAL.....	\$49,600,000	

**Sec. 5013.** 2018 c 2 s 5021 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State .....	(\$14,500,000)	\$17,500,000
Prior Biennia (Expenditures).....	\$0	

Future Biennia (Projected Costs).....	\$30,000,000	
TOTAL.....	\$44,500,000	<u>\$47,500,000</u>

**NEW SECTION. Sec. 5014.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the Central Washington University construction management program, the Washington State University architecture and engineering school and the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The colleges shall report to the legislature the methods developed in this section by December 31, 2018. The report must include potential impacts to project costs, both positive and negative, that use the proposed methods in subsection (1) of this section, and potential economic impacts, both positive and negative, to Washington state based on the origin of material purchased.

Appropriation:

State Building Construction Account—State.....	\$100,000	
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$100,000	

**Sec. 5015.** 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—State.....	(\$175,000)	\$188,000
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Prior (Expenditures) .....	Biennia (( <del>\$225,000</del> ))
	<u>\$212,000</u>
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$400,000

NEW SECTION. Sec. 5016. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Historic Lord Mansion (91000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) By July 1, 2018, and subject to approval by The Evergreen State College board of trustees, responsibility for the maintenance, operation, and any subsequent leasing of the historic Lord mansion shall be transferred from the Washington state historical society to The Evergreen State College.

(2) If the transfer pursuant to subsection (1) of this section does not occur by July 1, 2018, the following must occur:

(a) Custody and control of the historic Lord mansion is transferred from the Washington state historical society to the department of enterprise services to be maintained pursuant to the duties of the director defined in RCW 43.19.125; and

(b) The appropriation in this section is made to the department of enterprise services rather than The Evergreen State College.

Appropriation:

State Building Construction Account—State .....	\$504,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$504,000

**Sec. 5017.** 2018 c 2 s 5051 (uncodified) is amended to read as follows:

**FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Preservation (30000781)

Appropriation:

State Building Construction Account—State.....	\$1,500,000
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Western Washington University Capital Projects

Account—State .....

~~((\$6,179,000))~~  
\$4,679,000

Subtotal Appropriation .....

Prior Biennia (Expenditures) .....

Future Biennia (Projected Costs).....	\$30,000,000
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TOTAL.....\$36,179,000

**Sec. 5018.** 2018 c 2 s 5053 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Minor Works - Preservation (30000288)

Appropriation:

State Building Construction Account—State.....	( <del>(\$2,000,000)</del> )
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\$3,500,000

Prior Biennia (Expenditures) .....

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,000,000

\$3,500,000

NEW SECTION. Sec. 5019. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Student Services and Instructional Building (30000127)

Appropriation:

State Building Construction Account—State.....	\$4,151,000
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Prior Biennia (Expenditures) .....

Future Biennia (Projected Costs).....	\$41,162,000
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TOTAL.....\$45,313,000

**Sec. 5020.** 2018 c 2 s 5057 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College: North County Satellite  
(30000135)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$5,212,000)~~)

\$5,688,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
Costs) ..... (~~(\$48,603,000)~~)

\$49,235,000

TOTAL..... \$53,815,000

\$54,923,000

**NEW SECTION. Sec. 5021.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Learning Resource Center (30000136)

Appropriation:

State Building Construction Account-  
State ..... \$4,015,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected  
Costs) ..... \$45,080,000

TOTAL..... \$49,095,000

**Sec. 5022.** 2018 c 2 s 5058 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Appropriation:

State Building Construction Account-  
State ..... (~~(\$37,757,000)~~)

\$39,257,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$37,757,000

\$39,257,000

**Sec. 5023.** 2018 c 2 s 5059 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College: Learning Commons (30000138)

Appropriation:

State Building Construction Account-  
State..... (~~(\$33,960,000)~~)

\$34,952,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ... \$0

TOTAL..... \$33,960,000

\$34,952,000

**Sec. 5024.** 2018 c 2 s 5060 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:

State Building Construction Account-  
State..... (~~(\$35,063,000)~~)

\$35,346,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ... \$0

TOTAL..... \$35,063,000

\$35,346,000

**Sec. 5025.** 2018 c 2 s 5061 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane: Main Building South Wing Renovation (30000982)

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

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle

costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 (~~of this act~~), chapter 2, Laws of 2018.

Appropriation:

State Building Construction Account— State .....	<del>(\$24,919,000)</del>	\$25,683,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	<del>\$24,919,000</del>	\$25,683,000

Sec. 5026. 2018 c 2 s 5062 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline: Health and Life Sciences (30000983)

Appropriation:

State Building Construction Account— State .....	<del>(\$23,372,000)</del>	\$24,221,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	<del>\$23,372,000</del>	\$24,221,000

Sec. 5027. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation (~~is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess~~) in

this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account— State.....	\$2,791,000
Prior Biennia (Expenditures).....	\$353,000
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$3,144,000

Sec. 5028. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account— State.....	<del>(\$2,772,000)</del>	\$2,840,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs).....	<del>(\$29,048,000)</del>	\$29,340,000
TOTAL.....	<del>\$29,048,000</del>	\$31,820,000

\$32,180,000

**Sec. 5029.** 2018 c 2 s 5064 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State ..... ((\$29,000))

\$953,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... ((\$7,368,000))

\$7,594,000

TOTAL.....\$8,297,000

\$8,547,000

**Sec. 5030.** 2018 c 2 s 5065 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State ..... ((\$3,438,000))

\$3,508,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... ((\$29,982,000))

\$31,035,000

TOTAL.....\$33,420,000

\$34,543,000

**Sec. 5031.** 2018 c 2 s 5066 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—State..... ((\$2,241,000))

\$2,501,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... ((\$21,873,000))

\$23,187,000

TOTAL.....\$24,114,000

\$25,688,000

**Sec. 5032.** 2018 c 2 s 5067 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State..... ((\$3,150,000))

\$3,238,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... ((\$39,208,000))

\$40,484,000

TOTAL.....\$42,358,000

\$43,722,000

**Sec. 5033.** 2018 c 2 s 5068 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:

State Building Construction Account—State..... ((\$3,546,000))

\$3,592,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ..... ((\$35,972,000))

\$36,138,000

TOTAL.....\$39,518,000

\$39,730,000

Sec. 5034. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects

Account-State..... (~~(\$8,433,000)~~)  
\$5,307,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~(\$8,433,000)~~  
\$5,307,000

Sec. 5035. 2018 c 2 s 5071 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (30001294)

Appropriation:

~~((State Building Construction Account-State ..... \$1,218,000))~~

Community/Technical Colleges Capital Projects

Account-State..... (~~(\$25,458,000)~~)  
\$16,587,000

~~((Subtotal Appropriation \$26,676,000))~~

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~(\$26,676,000)~~  
\$16,587,000

Sec. 5036. 2018 c 2 s 5072 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (30001295)

Appropriation:

~~((State Building Construction))~~  
Community/Technical

Colleges Capital Projects Account-State.....\$4,166,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$4,166,000

Sec. 5037. 2018 c 2 s 5073 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account-State..... (~~(\$26,630,000)~~)  
\$14,558,000

Community/Technical Colleges Capital Projects

Account-State.....\$1,831,000

Subtotal Appropriation ...\$16,389,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$26,630,000  
\$16,389,000

NEW SECTION. Sec. 5038. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Library Building Renovation (30001451)

Appropriation:

State Building Construction Account-State.....\$3,448,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs).....\$28,359,000

TOTAL.....\$31,807,000

NEW SECTION. Sec. 5039. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Science and Technology Building Replacement (30001452)

Appropriation:

State Building Construction Account—  
State ..... \$1,156,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... \$8,727,000  
TOTAL..... \$9,883,000

**NEW SECTION. Sec. 5040.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Center for Science and Technology (30001453)

Appropriation:

State Building Construction Account—  
State ..... \$3,421,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... \$37,726,000  
TOTAL..... \$41,147,000

**Sec. 5041.** 2018 c 2 s 5075 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Appropriation:

State Building Construction Account—  
State ..... (~~(\$2,766,000)~~)  
\$2,827,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected  
Costs) ..... (~~(\$34,728,000)~~)  
\$35,449,000  
TOTAL..... \$37,494,000  
\$38,276,000

**PART 6**

**RESERVED**

**PART 7**

**MISCELLANEOUS PROVISIONS**

**Sec. 7001.** 2018 c 2 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are (~~(fifteen million, fifty seven)~~) sixteen million, three hundred four thousand dollars for the 2017-2019 biennium, (~~(two hundred sixty two million, two hundred ninety)~~) two hundred eighty two million, two hundred seventeen thousand dollars for the 2019-2021 biennium, and (~~(three hundred sixty six million, four hundred seventy five)~~) three hundred ninety-seven million, nine hundred fifty-two thousand dollars for the 2021-2023 biennium.

**Sec. 7002.** 2018 c 2 s 7002 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.**

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce

training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~(((\$12,700,000))~~ \$12,504,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6))~~ (7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~(((\$29,500,000))~~ \$30,225,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter

39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

~~(e) ((Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~((f))~~ Enter into a financing contract on behalf of Lower Columbia College for up to ~~(((\$3,000,000))~~ \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

~~((g))~~ (f) Enter into a financing contract on behalf of Clover Park Technical College for up to ~~(((\$33,288,000))~~ \$35,821,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

(g) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(h) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.

(i) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(j) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.

(k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.

(1) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.

**Sec. 7003.** 2018 c 2 s 7022 (uncodified) is amended to read as follows:

**STATE TREASURER TRANSFER AUTHORITY**

State Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$13,000,000 for fiscal year 2018 and (~~(\$13,000,000)~~)

\$11,950,000 for fiscal year 2019 ..... (~~(\$26,000,000)~~)

\$24,950,000

Local Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$15,250,000 in fiscal year 2018 and (~~(\$15,250,000)~~)

\$3,750,000 in fiscal year 2019 ..... (~~(\$30,500,000)~~)

\$19,000,000

Local Toxics Control Account: For transfer

to the cleanup settlement account as repayment

of the loan provided in section 6015(2), chapter

35, Laws of 2016 sp. sess. (ESHB 2380, 2016

supplemental capital budget), \$8,150,000 for fiscal

year 2019..... \$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. **Sec. 7004.** A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may be made only if first determined to be a prudent investment by the board of natural resources.

(3) The board of natural resources may set the terms of the loan with the following conditions and limitations:



(a) A payment of principal and annual interest of no less than three percent and up to six percent on remaining principal of the loan described in subsection (2) (b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account and credited to the common school trust;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on a date determined by the board of natural resources, but no later than the earlier of two years after the date the Paterson pipeline is completed or the date of the execution of the lease; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be dedicated for the payments on the loan principal and interest described in subsection (3) of this section until the loan is paid in full.

**Sec. 7005.** RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2013-2015 fiscal biennium, funds in the account may also be

appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061 of this act under the provisions of section 7004 of this act.

**Sec. 7006.** 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

~~((5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.))~~

**Sec. 7007.** 2018 c 2 s 7017 (uncodified) is amended to read as follows:

**NONTAXABLE AND TAXABLE BOND PROCEEDS.**

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to

the state building construction account may be made.

**Sec. 7008.** 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy ~~((recovery act))~~ efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

**Sec. 7009.** 2018 c 2 s 7026 (uncodified) is amended to read as follows:

**JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.**

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(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 expenses of the task force must be paid jointly by the senate and the house of representatives. Task force 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.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by ~~((October 1))~~ December 15, 2018.

(9) This section expires June 30, 2019.

**Sec. 7010.** 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((this chapter))~~ section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 ~~((of this act))~~, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018. Only the community aviation revitalization board or the board'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.

**NEW SECTION. Sec. 7011.** A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and

groundwater needs and uses as they relate to agricultural uses, domestic potable water uses, and instream flows, and to develop and recommend studies.

(2) The task force consists of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests; and

(vii) Representatives from federally recognized Indian tribes with reservations and treaty fishing rights located within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the

legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018. The task force must immediately focus on water resource inventory area 4. The task force shall not meet regarding water resource inventory area 3 before January 1, 2019.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. 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) Studies and selection of scientists or organizations to implement these studies must be based on recommendations of the joint legislative task force and must be made by a seventy-five percent majority of the members of the task force. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The funding provided in section 3012(2) of this act is provided solely for studies that are based on best available science and peer-reviewed, as identified by the task force to include:

(a) Reviewing existing hydrodynamic modeling and instream flow studies, or implementing new studies if necessary;

(b) Completing a gap analysis;

(c) Updating and reconciling data;

(d) Completing and providing missing data; and

(e) Potential installation of groundwater monitoring stations.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. **Sec. 7012.** A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The legislature recognizes that outdoor recreation in Washington provides multiple benefits including significant business and retail tax revenue, business and job creation, improved physical and mental health, higher quality-of-life that attracts and retains businesses and workers from beyond the recreation sector, and conservation and education values. To fulfill the goals of the 2018 recreation and conservation plan for Washington state, the recreation and conservation office must conduct a study that identifies recreational assets of statewide significance, where gaps in recreational assets exist, and investment strategies and options for addressing those gaps. The study must address existing and projected future needs of the people of Washington state.

(2) The office must submit a report with its findings and recommendations to the appropriate committees of the legislature by June 30, 2019.

**Sec. 7013.** RCW 43.88D.010 and 2017 c 52 s 15 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning.

Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2018, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2018, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

**Sec. 7014.** RCW 28B.77.070 and 2012 c 229 s 110 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

- (i) Office of financial management scores pursuant to chapter 43.88D RCW;
- (ii) Preserving assets;
- (iii) Degree production; and
- (iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

- (i) Include subpriorities;
- (ii) Be organized by category;
- (iii) Assume any state bond or building account biennial funding level to prioritize the list; or
- (iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by

November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

NEW SECTION. Sec. 7015. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.



(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2018. A follow up progress report is expected to be provided by December 1, 2019, and may include any initial recommendations. The final report is expected to be submitted by June 30, 2020, and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

**Sec. 7016.** RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art.

(2) During the 2017-2019 fiscal biennium, for projects funded in the capital budget, a state agency, working with the Washington state arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington state arts commission must be adjusted downward by the amount expended by a state agency during the design phase of the capital project.

(3) The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

**NEW SECTION. Sec. 7017.** 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. 7018.** 2018 c ... (SHB 1656) s 13 (uncodified) is repealed.

**NEW SECTION. Sec. 7019.** Section 7018 of this act takes effect when chapter . . . (Substitute House Bill No. 1656), Laws of 2018 takes effect.

**NEW SECTION. Sec. 7020.** Except for section 7018 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the amendment.

Amendment (1395) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, DeBolt and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Fey and Jinkins.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 1792, by Representatives Kagi and Ormsby**

**Establishing a fee for certification for the residential services and supports program to cover investigative costs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1792 was substituted for House Bill No. 1792 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1792 was read the second time.

Representative Kagi moved the adoption of amendment (1410):

On page 1, line 20, strike "2017" and insert "2018"

On page 3, line 2, after "July 1," strike "2017" and insert "2018"

Representatives Kagi and Dent spoke in favor of the adoption of the amendment.

Amendment (1410) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi and Kagi (again) spoke in favor of the passage of the bill.

Representatives Dent, Klippert and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1792.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2269, by Representatives Kilduff, Muri, Kraft, Stanford, Eslick, McBride, Sawyer, Orcutt, Haler, Senn, Reeves, Young, Ryu and Doglio**

**Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2269 was substituted for House Bill No. 2269 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2269 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2269.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2269, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2269, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2271, by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft**

**Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Muri, Kilduff and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2271.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2461, by Representatives Kagi, Goodman, Ormsby and Santos**

**Concerning the drug offense sentencing grid.**

The bill was read the second time.

Representative Hayes moved the adoption of amendment (1061):

On page 2, after line 7, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 9.94A RCW to read as follows:

The department shall reimburse county jails for the costs of post-conviction incarceration for any offender serving a sentence in a county jail for a drug offense with a seriousness level I designation under RCW 9.94A.518 where the offender had an offender score of three, four, or five for the present conviction. The department shall calculate the reimbursement required under this section and remit quarterly payments to county jails. A county jail receiving payment from the department under this section shall use the funds for the costs of incarcerating or providing treatment to drug offenders."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 2, line 8, after "2." strike "Section 1 of this" and insert "This"

Correct the title.

Representatives Hayes, Taylor, Klippert, Irwin, Johnson, Schmick, Dent, Walsh, Graves, McDonald, Smith and Pike spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

There being no objection, the House deferred action on HOUSE BILL NO. 2461, and the bill held its place on the second reading calendar.

**HOUSE BILL NO. 2638, by Representatives Goodman, Pettigrew, Appleton and Ortiz-Self**

**Creating a graduated reentry program of partial confinement for certain offenders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2638 was substituted for House Bill No. 2638 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2638 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2638.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2638, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary,

Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Kretz, Maycumber, McCaslin, Nealey, Orcutt, Pike, Shea, Taylor, Vick and Young.

SUBSTITUTE HOUSE BILL NO. 2638, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3002, by Representative Ormsby**

**Relating to making expenditures from the budget stabilization account for declared catastrophic events. Revised for 1st Substitute: Making expenditures from the budget stabilization account for declared catastrophic events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3002 was substituted for House Bill No. 3002 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3002 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

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

Representatives Chandler, Taylor, Stokesbary, MacEwen, Dent, Pike, Schmick, Barkis, Kraft and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3002.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 3002, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 3002, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bill previously acted upon was immediately transmitted to the Senate.

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

#### REPORTS OF STANDING COMMITTEES

March 6, 2018

E2SSB 6269 Prime Sponsor, Committee on Ways & Means: Strengthening oil transportation safety. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Haler; Manweller; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Assistant Ranking Minority Member.

March 6, 2018

SSB 6317 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys;

Condotta; Graves; Haler; Sawyer; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Manweller and Wilcox.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

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

#### THIRD READING

#### MESSAGE FROM THE SENATE

March 3, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 2519, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b) (i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) In confirming whether an individual is eligible to possess a firearm under this section, the law enforcement agency must review available records to determine whether the individual is an unlawful user of or addicted to any controlled substance and therefore prohibited from possessing a firearm pursuant to Title 18 U.S.C. Sec. 922(g)(3).

(6) The provisions of chapter 130, Laws of 2015 and subsection (4) of this

section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 2.** RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification

card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) (a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of



renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or

assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2519 and asked the Senate to recede therefrom.

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

#### SECOND READING

**HOUSE BILL NO. 2334, by Representatives Sawyer and Kloba**

**Regulating the use of cannabinoid additives in marijuana products.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2334 was substituted for House Bill No. 2334 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2334 was read the second time.

Representative Shea moved the adoption of amendment (1412):

On page 2, beginning on line 7, after "(3)" strike all material through "section" on line 8 and insert the following:

"Subject to the requirements of this subsection (3), the liquor and cannabis board may enact rules necessary to implement the requirements of this section. Such rule-making is limited to regulations pertaining to laboratory testing and product safety standards for those cannabidiol products used by licensed producers and processors in the manufacture of marijuana products marketed by licensed retailers under chapter 69.50 RCW. The purpose of such rule-making must be to ensure the safety and purity of cannabidiol products used by marijuana producers and processors licensed under chapter 69.50 RCW and incorporated into products sold by licensed recreational marijuana retailers. This rule-making authority does not include the authority to enact rules regarding either the production or processing practices of the industrial hemp industry or any cannabidiol products that are sold or marketed outside of the regulatory framework established under chapter 69.50 RCW"

Representatives Shea and Sawyer spoke in favor of the adoption of the amendment.

Amendment (1412) was adopted.

Representative Walsh moved the adoption of amendment (1413):

On page 9, line 29, after "hundred" strike "eighty-one"

On page 10, at the beginning of line 11, strike "eighty-one"

On page 10, at the beginning of line 29, strike "eighty-one"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Sawyer spoke against the adoption of the amendment.

Amendment (1413) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

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

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2334.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2334, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Orcutt, Pike, Rodne, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2580, by Representatives Morris, Lytton, Fey and Doglio**

**Promoting renewable natural gas.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2580 was substituted for House Bill No. 2580 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2580 was read the second time.

With the consent of the house, amendment (1274) was withdrawn.

Representative Harmsworth moved the adoption of amendment (1411):

On page 16, line 25, after "digester" insert "or the processing of biogas from a landfill into marketable coproducts"

Representatives Harmsworth and Morris spoke in favor of the adoption of the amendment.

HOUSE BILL NO. 2638  
HOUSE BILL NO. 2989

Amendment (1411) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House adjourned until 7:30 a.m., March 7, 2018, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

Representatives Morris and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2580.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580 was immediately transmitted to the Senate.

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

### MOTION

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

HOUSE BILL NO. 1792  
HOUSE BILL NO. 2269  
HOUSE BILL NO. 2461  
HOUSE BILL NO. 2580

1022-S	Messages.....47	1600-S2	Messages.....47
1047-S	Speaker Signed.....2	1622-S2	Messages.....47
	Messages.....46	1630	Messages.....47
1056	Messages.....47	1656-S	Speaker Signed.....2
1058	Speaker Signed.....2		Messages.....46
	Messages.....46	1672	Speaker Signed.....2
1061	Amendment Offered.....139		Messages.....46
1085	Messages.....47	1673-S2	Messages.....47
1095	Messages.....47	1742	Speaker Signed.....2
1128	Messages.....47		Messages.....46
1133	Messages.....47	1783-S2	Final Passage.....31
1169-S3	Speaker Signed.....2		Other Action.....31
	Messages.....46		Messages.....15
1239-S	Speaker Signed.....2	1790	Messages.....47
	Messages.....46	1792	Second Reading.....138
1293-S2	Messages.....47		Other Action.....147
1298-S2	Speaker Signed.....2	1792-S	Second Reading.....138
	Messages.....46		Amendment Offered.....138
1336	Speaker Signed.....2		Third Reading Final Passage.....138
1388-S	Messages.....47	1831-S2	Speaker Signed.....2
1433-S2	Messages.....47		Messages.....46
1434-S	Messages.....47	1849	Speaker Signed.....2
1439-S2	Final Passage.....15		Messages.....46
	Other Action.....14	1939	Messages.....47
	Messages.....4	1952-S	Speaker Signed.....2
1482-S3	Speaker Signed.....2		Messages.....46
	Messages.....46	1953-S	Messages.....47
1488-S3	Speaker Signed.....2	2016-S	Messages.....1
	Messages.....47	2057-S	Speaker Signed.....2
1499	Messages.....47		Messages.....46
1513-S2	Messages.....47	2087	Messages.....1
1523-S	Messages.....47	2101-S	Messages.....1
1558-S	Speaker Signed.....2	2208	Messages.....1
	Messages.....46	2229-S	Speaker Signed.....2
1570-S2	Speaker Signed.....2		Messages.....46
	Messages.....46	2256-S	Messages.....1
		2257	Speaker Signed.....2

Messages.....	46	2479	
2261		Messages .....	1
Speaker Signed .....	2	2514-S	
Messages.....	46	Messages .....	1
2269		2515-S	
Second Reading .....	138	Speaker Signed.....	2
Other Action .....	147	2516-S	
2269-S2		Messages .....	1
Second Reading .....	139	2517	
Third Reading Final Passage .....	139	Messages .....	1
2271		2519.....	145
Second Reading .....	139	Message.....	141
Third Reading Final Passage .....	139	2528-S	
2285-S		Messages .....	1
Final Passage .....	33	2530-S	
Other Action .....	33	Messages .....	1
Messages.....	31	2538-S	
2298-S		Messages .....	1
Messages.....	1	2539	
2307		Messages .....	1
Speaker Signed .....	2	2576-S	
Messages.....	46	Messages .....	1
2308-S		2578-S2	
Messages.....	1	Final Passage.....	40
2313		Other Action.....	40
Speaker Signed .....	2	Messages .....	35
Messages.....	46	2580	
2317-S		Second Reading.....	146
Speaker Signed .....	2	Other Action.....	147
Messages.....	46	2580-S	
2322-S		Second Reading.....	146
Final Passage .....	35	Amendment Offered.....	146
Other Action .....	35	Third Reading Final Passage .....	147
Messages.....	33	2612-S	
2334		Speaker Signed.....	2
Second Reading .....	145	2638	
2334-S2		Second Reading.....	140
Second Reading .....	145	Other Action.....	147
Amendment Offered .....	145, 146	2638-S	
Third Reading Final Passage .....	146	Second Reading.....	140
2342-S		Third Reading Final Passage .....	140
Messages.....	1	2649	
2356-S		Speaker Signed.....	2
Speaker Signed .....	2	2651-S	
2368		Messages .....	1
Messages.....	1	2671-S2	
2398-S		Speaker Signed.....	2
Messages.....	1	2696-S	
2435		Speaker Signed.....	2
Speaker Signed .....	2	2700-S	
2443		Speaker Signed.....	2
Messages.....	1	2701-S	
2446		Speaker Signed.....	2
Messages.....	1	2733	
2461		Final Passage.....	41
Second Reading .....	139	Other Action.....	41
Other Action .....	140	Messages .....	40
Other Action .....	147	2777	
2468		Final Passage.....	46
Speaker Signed .....	2	Other Action.....	46
2474		Messages .....	41
Speaker Signed .....	2	2785	

Speaker Signed .....	2	Other Action .....	50
2816		Message .....	49
Messages .....	1	6034-S	
2822-S		Second Reading .....	50
Speaker Signed .....	2	Amendment Offered .....	50
2858		Third Reading Final Passage .....	53
Speaker Signed .....	2	6051-S	
2887-S		Messages .....	2
Speaker Signed .....	2	6055	
2938-S		Second Reading .....	3
Speaker Signed .....	2	Other Action .....	3
2951-S		Message .....	3
Speaker Signed .....	2	6055-S	
2957		Amendment Offered .....	3
Speaker Signed .....	2	Third Reading Final Passage .....	4
2970-S		6058	
Speaker Signed .....	2	Messages .....	2
2989		6068-S	
Other Action .....	147	Messages .....	2
3002		6095	
Second Reading .....	140	Other Action .....	53
3002-S		Message .....	53
Second Reading .....	140	6095-S	
Third Reading Final Passage .....	141	Second Reading .....	53
3003		Amendment Offered .....	53
Committee Report .....	47	Third Reading Final Passage .....	138
3011		6107-S	
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	2
5020		Committee Report .....	47
Messages .....	1	Messages .....	1
5064-S		6126-S	
Messages .....	1	Messages .....	2
5084-S		6127-S	
Messages .....	2	Messages .....	2
5143-S		6133-S	
Messages .....	2	Messages .....	2
5179-S2		6143-S	
Messages .....	2	Messages .....	1
5213		6155-S	
Messages .....	1	Messages .....	1
5251-S4		6157-S	
Messages .....	2	Messages .....	1
5493-S		6159	
Messages .....	1	Messages .....	47
5518		6160-S2	
Messages .....	2	Messages .....	2
5522-S		6163	
Messages .....	2	Messages .....	47
5553-S		6175-S	
Messages .....	2	Messages .....	47
5683-S		6179	
Messages .....	2	Messages .....	46
5991-S		6180	
Messages .....	47	Messages .....	1
6002-S		6210	
Messages .....	2	Messages .....	46
6007		6211	
Introduction & 1st Reading .....	2	Messages .....	47
Messages .....	1	6218	
6024		Messages .....	46
Messages .....	1	6231	
6034		Messages .....	46

6240	
Messages.....	46
6245-S2	
Messages.....	47
6257-S	
Messages.....	47
6269-S2	
Committee Report.....	141
6273-S	
Messages.....	47
6287	
Messages.....	46
6298	
Messages.....	2
6311	
Messages.....	1
6317-S	
Committee Report.....	141
6318-S	
Messages.....	46
6346-S	
Committee Report.....	47
6363	
Messages.....	2
6367	
Messages.....	46
6368	
Messages.....	46
6371	
Messages.....	1
6393	
Messages.....	46
6399-S	
Messages.....	1

6404	
Messages.....	46
6408	
Messages.....	46
6413-S	
Messages.....	2
6414	
Messages.....	46
6434-S	
Messages.....	1
6437-S	
Messages.....	2
6438-S	
Messages.....	46
6453-S2	
Messages.....	46
6462	
Messages.....	46
6475-S	
Messages.....	46
6519-S	
Messages.....	2
6529-S2	
Messages.....	1
6544-S	
Messages.....	46
6549-S	
Messages.....	1
6550-S	
Messages.....	1
6580	
Messages.....	1
940	
Committee Report.....	49