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**SUBSTITUTE HOUSE BILL 1362**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff, and Tharinger; by request of Office of Financial Management)

1 AN ACT Relating to improving government efficiency related to  
2 reports by state agencies by eliminating reports, changing the  
3 frequency of reports, and providing an alternative method for having  
4 information publicly available in place of reports; amending RCW  
5 43.43.545, 43.63A.510, 43.280.100, 61.24.163, 70A.420.050, 72.09.620,  
6 77.135.090, 28B.77.220, 35.90.020, 43.21A.150, 43.60A.240, 43.61.040,  
7 43.63A.068, 43.105.369, 47.01.330, 54.16.425, 72.09.765, 77.32.555,  
8 82.14.470, and 82.32.765; creating a new section; and repealing RCW  
9 13.32A.045, 19.02.055, 19.280.060, 43.31.980, 43.60A.101, and  
10 62A.9A-527.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 NEW SECTION. **Sec. 1.** INTENT AND FINDINGS. (1) The legislature  
13 finds that requiring state agencies to report to the legislature is  
14 an important method of providing information and keeping the  
15 legislature informed on the implementation and impacts of  
16 legislation. Some reports provide information that is no longer  
17 relevant or useful to the legislature, which can be discerned by the  
18 lack of interest in the report. There are other reports that are  
19 redundant as the information is provided through other means. In  
20 addition, preparing reports is time consuming, and there may be  
21 better, more efficient mechanisms for sharing information with

1 legislators as well as the public, such as posting the information on  
2 agency websites. Finally, some reports are required on a more  
3 frequent basis than is necessary, as the information does not change  
4 to an extent that merits the increased frequency.

5 (2) In order to improve agency efficiency and still ensure that  
6 information is publicly available and provided to the legislature as  
7 needed, it is the intent of this act to eliminate reports that no  
8 longer serve a relevant purpose, change reporting frequency where  
9 warranted, and provide alternative mechanisms in place of submitting  
10 reports where appropriate.

11 **PART I**  
12 **MODIFICATIONS TO REPORTS**

13 **Sec. 2.** RCW 43.43.545 and 2020 c 26 s 6 are each amended to read  
14 as follows:

15 (1) The Washington state patrol shall create and operate a  
16 statewide sexual assault kit tracking system. The Washington state  
17 patrol may contract with state or nonstate entities including, but  
18 not limited to, private software and technology providers, for the  
19 creation, operation, and maintenance of the system.

20 (2) The statewide sexual assault kit tracking system must:

21 (a) Track the location and status of sexual assault kits  
22 throughout the criminal justice process, including the initial  
23 collection in examinations performed at medical facilities, receipt  
24 and storage at law enforcement agencies, receipt and analysis at  
25 forensic laboratories, and storage and any destruction after  
26 completion of analysis;

27 (b) Designate sexual assault kits as unreported or reported;

28 (c) Indicate whether a sexual assault kit contains biological  
29 materials collected for the purpose of forensic toxicological  
30 analysis;

31 (d) Allow medical facilities performing sexual assault forensic  
32 examinations, law enforcement agencies, prosecutors, the Washington  
33 state patrol bureau of forensic laboratory services, and other  
34 entities having custody of sexual assault kits to update and track  
35 the status and location of sexual assault kits;

36 (e) Allow victims of sexual assault to anonymously track or  
37 receive updates regarding the status of their sexual assault kits;  
38 and

1 (f) Use electronic technology or technologies allowing continuous  
2 access.

3 (3) The Washington state patrol may use a phased implementation  
4 process in order to launch the system and facilitate entry and use of  
5 the system for required participants. The Washington state patrol may  
6 phase initial participation according to region, volume, or other  
7 appropriate classifications. All entities having custody of sexual  
8 assault kits shall fully participate in the system no later than June  
9 1, 2018. The Washington state patrol shall submit a report on the  
10 current status and plan for launching the system, including the plan  
11 for phased implementation, to the joint legislative task force on  
12 sexual assault forensic examination best practices, the appropriate  
13 committees of the legislature, and the governor no later than January  
14 1, 2017.

15 (4) The Washington state patrol shall submit (~~(a semiannual)~~) an  
16 annual report on the statewide sexual assault kit tracking system to  
17 the joint legislative task force on sexual assault forensic  
18 examination best practices, the appropriate committees of the  
19 legislature, and the governor. The Washington state patrol may  
20 publish the current report on its website. The first report is due  
21 (~~(July 31, 2018)~~) January 31, 2024, and subsequent reports are due  
22 January 31st (~~(and July 31st)~~) of each year. The report must include  
23 the following:

24 (a) The total number of sexual assault kits in the system  
25 statewide and by jurisdiction;

26 (b) The total and semiannual number of sexual assault kits where  
27 forensic analysis has been completed statewide and by jurisdiction;

28 (c) The number of sexual assault kits added to the system in the  
29 reporting period statewide and by jurisdiction;

30 (d) The total and semiannual number of sexual assault kits where  
31 forensic analysis has been requested but not completed statewide and  
32 by jurisdiction;

33 (e) The average and median length of time for sexual assault kits  
34 to be submitted for forensic analysis after being added to the  
35 system, including separate sets of data for all sexual assault kits  
36 in the system statewide and by jurisdiction and for sexual assault  
37 kits added to the system in the reporting period statewide and by  
38 jurisdiction;

39 (f) The average and median length of time for forensic analysis  
40 to be completed on sexual assault kits after being submitted for

1 analysis, including separate sets of data for all sexual assault kits  
2 in the system statewide and by jurisdiction and for sexual assault  
3 kits added to the system in the reporting period statewide and by  
4 jurisdiction;

5 (g) The total and semiannual number of sexual assault kits  
6 destroyed or removed from the system statewide and by jurisdiction;

7 (h) The total number of sexual assault kits, statewide and by  
8 jurisdiction, where forensic analysis has not been completed and six  
9 months or more have passed since those sexual assault kits were added  
10 to the system; and

11 (i) The total number of sexual assault kits, statewide and by  
12 jurisdiction, where forensic analysis has not been completed and one  
13 year or more has passed since those sexual assault kits were added to  
14 the system.

15 (5) For the purpose of reports under subsection (4) of this  
16 section, a sexual assault kit must be assigned to the jurisdiction  
17 associated with the law enforcement agency anticipated to receive the  
18 sexual assault kit or otherwise having custody of the sexual assault  
19 kit.

20 (6) Any public agency or entity, including its officials and  
21 employees, and any hospital and its employees providing services to  
22 victims of sexual assault may not be held civilly liable for damages  
23 arising from any release of information or the failure to release  
24 information related to the statewide sexual assault kit tracking  
25 system, so long as the release was without gross negligence.

26 (7) The Washington state patrol shall adopt rules as necessary to  
27 implement this section.

28 (8) For the purposes of this section:

29 (a) "Reported sexual assault kit" means a sexual assault kit  
30 where a law enforcement agency has received a related report or  
31 complaint alleging a sexual assault or other crime has occurred;

32 (b) "Sexual assault kit" includes all evidence collected during a  
33 sexual assault medical forensic examination; and

34 (c) "Unreported sexual assault kit" means a sexual assault kit  
35 where a law enforcement agency has not received a related report or  
36 complaint alleging a sexual assault or other crime has occurred.

37 **Sec. 3.** RCW 43.63A.510 and 2018 c 217 s 1 are each amended to  
38 read as follows:

1 (1) The department must work with the designated agencies to  
2 identify, catalog, and recommend best use of under-utilized, state-  
3 owned land and property suitable for the development of affordable  
4 housing for very low-income, low-income or moderate-income  
5 households. The designated agencies must provide an inventory of real  
6 property that is owned or administered by each agency and is vacant  
7 or available for lease or sale. The department must work with the  
8 designated agencies to include in the inventories a consolidated list  
9 of any property transactions executed by the agencies under the  
10 authority of RCW 39.33.015, including the property appraisal, the  
11 terms and conditions of sale, lease, or transfer, the value of the  
12 public benefit, and the impact of transaction to the agency. The  
13 inventories with revisions must be provided to the department by  
14 November 1st of each year.

15 (2) The department must consolidate inventories into two groups:  
16 Properties suitable for consideration in affordable housing  
17 development; and properties not suitable for consideration in  
18 affordable housing development. In making this determination, the  
19 department must use industry accepted standards such as: Location,  
20 approximate lot size, current land use designation, and current  
21 zoning classification of the property. The department shall provide a  
22 recommendation, based on this grouping, (~~to the office of financial~~  
23 ~~management and appropriate policy and fiscal committees of the~~  
24 ~~legislature~~) by posting the information on the department's website  
25 by December 1st of each year.

26 (3) Upon written request, the department shall provide a copy of  
27 the inventory of state-owned and publicly owned lands and buildings  
28 to parties interested in developing the sites for affordable housing.

29 (4) As used in this section:

30 (a) "Affordable housing" means residential housing that is rented  
31 or owned by a person who qualifies as a very low-income, low-income,  
32 or moderate-income household or who is from a special needs  
33 population, and whose monthly housing costs, including utilities  
34 other than telephone, do not exceed thirty percent of the household's  
35 monthly income.

36 (b) "Very low-income household" means a single person, family, or  
37 unrelated persons living together whose income is at or below fifty  
38 percent of the median income, adjusted for household size, for the  
39 county where the affordable housing is located.

1 (c) "Low-income household" means a single person, family, or  
2 unrelated persons living together whose income is more than fifty  
3 percent but is at or below eighty percent of the median income where  
4 the affordable housing is located.

5 (d) "Moderate-income household" means a single person, family, or  
6 unrelated persons living together whose income is more than eighty  
7 percent but is at or below one hundred fifteen percent of the median  
8 income where the affordable housing is located.

9 (e) "Affordable housing development" means state-owned real  
10 property appropriate for sale, transfer, or lease to an affordable  
11 housing developer capable of:

12 (i) Receiving the property within one hundred eighty days; and

13 (ii) Creating affordable housing units for occupancy within  
14 thirty-six months from the time of transfer.

15 (f) "Designated agencies" means the Washington state patrol, the  
16 state parks and recreation commission, and the departments of natural  
17 resources, social and health services, corrections, and enterprise  
18 services.

19 **Sec. 4.** RCW 43.280.100 and 2013 c 121 s 7 are each amended to  
20 read as follows:

21 (1) The department of commerce shall annually prepare and  
22 (~~submit an annual report to the legislature~~) post, on the  
23 department's website, the amount of revenue collected by local  
24 jurisdictions under RCW 9.68A.105, 9A.88.120, or 9A.88.140 and the  
25 expenditure of that revenue.

26 (2) Any funds remitted to the department of commerce pursuant to  
27 RCW 9.68A.105, 9A.88.120, or 9A.88.140 shall be spent on the  
28 fulfillment of the duties described in subsection (1) of this  
29 section. Any remaining funds may be spent on the administration of  
30 grants for services for victims of the commercial sex trade,  
31 consistent with this chapter.

32 **Sec. 5.** RCW 61.24.163 and 2018 c 306 s 6 are each amended to  
33 read as follows:

34 (1) The foreclosure mediation program established in this section  
35 applies only to borrowers who have been referred to mediation by a  
36 housing counselor or attorney. The referral to mediation may be made  
37 any time after a notice of default has been issued but no later than  
38 twenty days after the date a notice of sale has been recorded. If the

1 borrower has failed to elect to mediate within the applicable time  
2 frame, the borrower and the beneficiary may, but are under no duty  
3 to, agree in writing to enter the foreclosure mediation program. The  
4 mediation program under this section is not governed by chapter 7.07  
5 RCW and does not preclude mediation required by a court or other  
6 provision of law.

7 (2) A housing counselor or attorney referring a borrower to  
8 mediation shall send a notice to the borrower and the department,  
9 stating that mediation is appropriate.

10 (3) Within ten days of receiving the notice, the department  
11 shall:

12 (a) Send a notice to the beneficiary, the borrower, the housing  
13 counselor or attorney who referred the borrower, and the trustee  
14 stating that the parties have been referred to mediation. The notice  
15 must include the statements and list of documents and information  
16 described in subsections (4) and (5) of this section and a statement  
17 explaining each party's responsibility to pay the mediator's fee; and

18 (b) Select a mediator and notify the parties of the selection.

19 (4) Within twenty-three days of the department's notice that the  
20 parties have been referred to mediation, the borrower shall transmit  
21 the documents required for mediation to the mediator and the  
22 beneficiary. The required documents include an initial homeowner  
23 financial information worksheet as required by the department. The  
24 worksheet must include, at a minimum, the following information:

25 (a) The borrower's current and future income;

26 (b) Debts and obligations;

27 (c) Assets;

28 (d) Expenses;

29 (e) Tax returns for the previous two years;

30 (f) Hardship information;

31 (g) Other applicable information commonly required by any  
32 applicable federal mortgage relief program.

33 (5) Within twenty days of the beneficiary's receipt of the  
34 borrower's documents, the beneficiary shall transmit the documents  
35 required for mediation to the mediator and the borrower. The required  
36 documents include:

37 (a) An accurate statement containing the balance of the loan  
38 within thirty days of the date on which the beneficiary's documents  
39 are due to the parties;

40 (b) Copies of the note and deed of trust;

1 (c) Proof that the entity claiming to be the beneficiary is the  
2 owner of any promissory note or obligation secured by the deed of  
3 trust. Sufficient proof may be a copy of the declaration described in  
4 RCW 61.24.030(7)(a);

5 (d) The best estimate of any arrearage and an itemized statement  
6 of the arrearages;

7 (e) An itemized list of the best estimate of fees and charges  
8 outstanding;

9 (f) The payment history and schedule for the preceding twelve  
10 months, or since default, whichever is longer, including a breakdown  
11 of all fees and charges claimed;

12 (g) All borrower-related and mortgage-related input data used in  
13 any net present values analysis. If no net present values analysis is  
14 required by the applicable federal mortgage relief program, then the  
15 input data required under the federal deposit insurance corporation  
16 and published in the federal deposit insurance corporation loan  
17 modification program guide, or if that calculation becomes  
18 unavailable, substantially similar input data as determined by the  
19 department;

20 (h) An explanation regarding any denial for a loan modification,  
21 forbearance, or other alternative to foreclosure in sufficient detail  
22 for a reasonable person to understand why the decision was made;

23 (i) Appraisal or other broker price opinion most recently relied  
24 upon by the beneficiary not more than ninety days old at the time of  
25 the scheduled mediation; and

26 (j) The portion or excerpt of the pooling and servicing agreement  
27 or other investor restriction that prohibits the beneficiary from  
28 implementing a modification, if the beneficiary claims it cannot  
29 implement a modification due to limitations in a pooling and  
30 servicing agreement or other investor restriction, and documentation  
31 or a statement detailing the efforts of the beneficiary to obtain a  
32 waiver of the pooling and servicing agreement or other investor  
33 restriction provisions.

34 (6) Within seventy days of receiving the referral from the  
35 department, the mediator shall convene a mediation session in the  
36 county where the property is located, unless the parties agree on  
37 another location. The parties may agree to extend the time in which  
38 to schedule the mediation session. If the parties agree to extend the  
39 time, the beneficiary shall notify the trustee of the extension and



1 the date the mediator is expected to issue the mediator's  
2 certification.

3 (7) (a) The mediator may schedule phone conferences, consultations  
4 with the parties individually, and other communications to ensure  
5 that the parties have all the necessary information and documents to  
6 engage in a productive mediation.

7 (b) The mediator must send written notice of the time, date, and  
8 location of the mediation session to the borrower, the beneficiary,  
9 and the department at least thirty days prior to the mediation  
10 session. At a minimum, the notice must contain:

11 (i) A statement that the borrower may be represented in the  
12 mediation session by an attorney or other advocate;

13 (ii) A statement that a person with authority to agree to a  
14 resolution, including a proposed settlement, loan modification, or  
15 dismissal or continuation of the foreclosure proceeding, must be  
16 present either in person or on the telephone or videoconference  
17 during the mediation session; and

18 (iii) A statement that the parties have a duty to mediate in good  
19 faith and that failure to mediate in good faith may impair the  
20 beneficiary's ability to foreclose on the property or the borrower's  
21 ability to modify the loan or take advantage of other alternatives to  
22 foreclosure.

23 (8) (a) The borrower, the beneficiary or authorized agent, and the  
24 mediator must meet in person for the mediation session. However, a  
25 person with authority to agree to a resolution on behalf of the  
26 beneficiary may be present over the telephone or videoconference  
27 during the mediation session.

28 (b) After the mediation session commences, the mediator may  
29 continue the mediation session once, and any further continuances  
30 must be with the consent of the parties.

31 (9) The participants in mediation must address the issues of  
32 foreclosure that may enable the borrower and the beneficiary to reach  
33 a resolution, including but not limited to reinstatement,  
34 modification of the loan, restructuring of the debt, or some other  
35 workout plan. To assist the parties in addressing issues of  
36 foreclosure, the mediator may require the participants to consider  
37 the following:

38 (a) The borrower's current and future economic circumstances,  
39 including the borrower's current and future income, debts, and

1 obligations for the previous sixty days or greater time period as  
2 determined by the mediator;

3 (b) The net present value of receiving payments pursuant to a  
4 modified mortgage loan as compared to the anticipated net recovery  
5 following foreclosure;

6 (c) Any affordable loan modification calculation and net present  
7 value calculation when required under any federal mortgage relief  
8 program and any modification program related to loans insured by the  
9 federal housing administration, the veterans administration, and the  
10 rural housing service. If such a calculation is not provided or  
11 required, then the beneficiary must provide the net present value  
12 data inputs established by the federal deposit insurance corporation  
13 and published in the federal deposit insurance corporation loan  
14 modification program guide or other net present value data inputs as  
15 designated by the department. The mediator may run the calculation in  
16 order for a productive mediation to occur and to comply with the  
17 mediator certification requirement; and

18 (d) Any other loss mitigation guidelines to loans insured by the  
19 federal housing administration, the veterans administration, and the  
20 rural housing service, if applicable.

21 (10) A violation of the duty to mediate in good faith as required  
22 under this section may include:

23 (a) Failure to timely participate in mediation without good  
24 cause;

25 (b) Failure of the borrower or the beneficiary to provide the  
26 documentation required before mediation or pursuant to the mediator's  
27 instructions;

28 (c) Failure of a party to designate representatives with adequate  
29 authority to fully settle, compromise, or otherwise reach resolution  
30 with the borrower in mediation; and

31 (d) A request by a beneficiary that the borrower waive future  
32 claims he or she may have in connection with the deed of trust, as a  
33 condition of agreeing to a modification, except for rescission claims  
34 under the federal truth in lending act. Nothing in this section  
35 precludes a beneficiary from requesting that a borrower dismiss with  
36 prejudice any pending claims against the beneficiary, its agents,  
37 loan servicer, or trustee, arising from the underlying deed of trust,  
38 as a condition of modification.

39 (11) If the mediator reasonably believes a borrower will not  
40 attend a mediation session based on the borrower's conduct, such as

1 the lack of response to the mediator's communications, the mediator  
2 may cancel a scheduled mediation session and send a written  
3 cancellation to the department and the trustee and send copies to the  
4 parties. The beneficiary may proceed with the foreclosure after  
5 receipt of the mediator's written confirmation of cancellation.

6 (12) Within seven business days after the conclusion of the  
7 mediation session, the mediator must send a written certification to  
8 the department and the trustee and send copies to the parties of:

9 (a) The date, time, and location of the mediation session;

10 (b) The names of all persons attending in person and by telephone  
11 or videoconference, at the mediation session;

12 (c) Whether a resolution was reached by the parties, including  
13 whether the default was cured by reinstatement, modification, or  
14 restructuring of the debt, or some other alternative to foreclosure  
15 was agreed upon by the parties;

16 (d) Whether the parties participated in the mediation in good  
17 faith; and

18 (e) If a written agreement was not reached, a description of any  
19 net present value test used, along with a copy of the inputs,  
20 including the result of any net present value test expressed in a  
21 dollar amount.

22 (13) If the parties are unable to reach an agreement, the  
23 beneficiary may proceed with the foreclosure after receipt of the  
24 mediator's written certification.

25 (14)(a) The mediator's certification that the beneficiary failed  
26 to act in good faith in mediation constitutes a defense to the  
27 nonjudicial foreclosure action that was the basis for initiating the  
28 mediation. In any action to enjoin the foreclosure, the beneficiary  
29 is entitled to rebut the allegation that it failed to act in good  
30 faith.

31 (b) The mediator's certification that the beneficiary failed to  
32 act in good faith during mediation does not constitute a defense to a  
33 judicial foreclosure or a future nonjudicial foreclosure action if a  
34 modification of the loan is agreed upon and the borrower subsequently  
35 defaults.

36 (c) If an affordable loan modification is not offered in the  
37 mediation or a written agreement was not reached and the mediator's  
38 certification shows that the net present value of the modified loan  
39 exceeds the anticipated net recovery at foreclosure, that showing in

1 the certification constitutes a basis for the borrower to enjoin the  
2 foreclosure.

3 (15) The mediator's certification that the borrower failed to act  
4 in good faith in mediation authorizes the beneficiary to proceed with  
5 the foreclosure.

6 (16)(a) If a borrower has been referred to mediation before a  
7 notice of trustee sale has been recorded, a trustee may not record  
8 the notice of sale until the trustee receives the mediator's  
9 certification stating that the mediation has been completed. If the  
10 trustee does not receive the mediator's certification, the trustee  
11 may record the notice of sale after ten days from the date the  
12 certification to the trustee was due. If, after a notice of sale is  
13 recorded under this subsection (16)(a), the mediator subsequently  
14 issues a certification finding that the beneficiary violated the duty  
15 of good faith, the certification constitutes a basis for the borrower  
16 to enjoin the foreclosure.

17 (b) If a borrower has been referred to mediation after the notice  
18 of sale was recorded, the sale may not occur until the trustee  
19 receives the mediator's certification stating that the mediation has  
20 been completed.

21 (17) A mediator may charge reasonable fees as authorized by this  
22 subsection or as authorized by the department. Unless the fee is  
23 waived, the parties agree otherwise, or the department otherwise  
24 authorizes, a foreclosure mediator's fee may not exceed four hundred  
25 dollars for preparing, scheduling, and conducting a mediation session  
26 lasting between one hour and three hours. For a mediation session  
27 exceeding three hours, the foreclosure mediator may charge a  
28 reasonable fee, as authorized by the department. The mediator must  
29 provide an estimated fee before the mediation, and payment of the  
30 mediator's fee must be divided equally between the beneficiary and  
31 the borrower. The beneficiary and the borrower must tender the loan  
32 mediator's fee within thirty calendar days from receipt of the  
33 department's letter referring the parties to mediation or pursuant to  
34 the mediator's instructions.

35 ~~((Beginning December 1, 2012, and every year thereafter,~~  
36 ~~the)) The department shall report annually ~~((to the legislature on))~~  
37 by posting the following information on the department's website:~~

38 (a) The performance of the program, including the numbers of  
39 borrowers who are referred to mediation by a housing counselor or  
40 attorney;

1 (b) The results of the mediation program, including the number of  
2 mediations requested by housing counselors and attorneys, the number  
3 of certifications of good faith issued, the number of borrowers and  
4 beneficiaries who failed to mediate in good faith, and the reasons  
5 for the failure to mediate in good faith, if known, the numbers of  
6 loans restructured or modified, the change in the borrower's monthly  
7 payment for principal and interest and the number of principal write-  
8 downs and interest rate reductions, and, to the extent practical, the  
9 number of borrowers who report a default within a year of  
10 restructuring or modification;

11 (c) The information received by housing counselors regarding  
12 outcomes of foreclosures; and

13 (d) Any recommendations for changes to the statutes regarding the  
14 mediation program.

15 **Sec. 6.** RCW 70A.420.050 and 2020 c 20 s 1274 are each amended to  
16 read as follows:

17 The department shall adopt rules to:

18 (1) Establish procedures and requirements for the accreditation  
19 of lead-based paint activities training programs including, but not  
20 limited to, the following:

21 (a) Training curriculum;

22 (b) Training hours;

23 (c) Hands-on training;

24 (d) Trainee competency and proficiency;

25 (e) Training program quality control;

26 (f) Procedures for the reaccreditation of training programs;

27 (g) Procedures for the oversight of training programs; and

28 (h) Procedures for the suspension, revocation, or modification of  
29 training program accreditations, or acceptance of training offered by  
30 an accredited training provider in another state or Indian tribe  
31 authorized by the environmental protection agency;

32 (2) Establish procedures for the purposes of certification, for  
33 the acceptance of training offered by an accredited training provider  
34 in a state or Indian tribe authorized by the environmental protection  
35 agency;

36 (3) Certify individuals involved in lead-based paint activities  
37 to ensure that certified individuals are trained by an accredited  
38 training program and possess appropriate educational or experience  
39 qualifications for certification;

1 (4) Establish procedures for recertification;

2 (5) Require the conduct of lead-based paint activities in  
3 accordance with work practice standards;

4 (6) Establish procedures for the suspension, revocation, or  
5 modification of certifications;

6 (7) Establish requirements for the administration of third-party  
7 certification exams;

8 (8) Use laboratories accredited under the environmental  
9 protection agency's national lead laboratory accreditation program;

10 (9) Establish work practice standards for the conduct of lead-  
11 based paint activities, as defined in RCW 70A.420.020;

12 (10) Establish an enforcement response policy that shall include:

13 (a) Warning letters, notices of noncompliance, notices of  
14 violation, or the equivalent;

15 (b) Administrative or civil actions, including penalty authority,  
16 including accreditation or certification suspension, revocation, or  
17 modification; and

18 (c) Authority to apply criminal sanctions or other criminal  
19 authority using existing state laws as applicable.

20 The department shall prepare and (~~submit~~) post on the  
21 department's website, on a biennial (~~report to the legislature~~  
22 regarding) basis, the program's status, its costs, and the number of  
23 persons certified by the program.

24 **Sec. 7.** RCW 72.09.620 and 1999 c 324 s 7 are each amended to  
25 read as follows:

26 The secretary shall (~~report~~) annually (~~to the legislature~~)  
27 post on the department's website on the number of offenders  
28 considered for an extraordinary medical placement, the number of  
29 offenders who were granted such a placement, the number of offenders  
30 who were denied such a placement, the length of time between initial  
31 consideration and the placement decision for each offender who was  
32 granted an extraordinary medical placement, the number of offenders  
33 granted an extraordinary medical placement who were later returned to  
34 total confinement, and the cost savings realized by the state.

35 **Sec. 8.** RCW 77.135.090 and 2014 c 202 s 111 are each amended to  
36 read as follows:

37 (1) If the director finds that there exists an imminent danger of  
38 a prohibited level 1 or level 2 species detection that seriously

1 endangers or threatens the environment, economy, human health, or  
2 well-being of the state of Washington, the director must ask the  
3 governor to order, under RCW 43.06.010(14), emergency measures to  
4 prevent or abate the prohibited species. The director's findings must  
5 contain an evaluation of the effect of the emergency measures on  
6 environmental factors such as fish listed under the endangered  
7 species act, economic factors such as public and private access,  
8 human health factors such as water quality, or well-being factors  
9 such as cultural resources.

10 (2) If an emergency is declared pursuant to RCW 43.06.010(14),  
11 the director may consult with the invasive species council to advise  
12 the governor on emergency measures necessary under RCW 43.06.010(14)  
13 and this section, and make subsequent recommendations to the  
14 governor. The invasive species council must involve owners of the  
15 affected water body or property, state and local governments, federal  
16 agencies, tribes, public health interests, technical service  
17 providers, and environmental organizations, as appropriate.

18 (3) Upon the governor's approval of emergency measures, the  
19 director may implement these measures to prevent, contain, control,  
20 or eradicate invasive species that are the subject of the emergency  
21 order, notwithstanding the provisions of chapter 15.58 or 17.21 RCW  
22 or any other statute. These measures, after evaluation of all other  
23 alternatives, may include the surface and aerial application of  
24 pesticides.

25 (4) The director must continually evaluate the effects of the  
26 emergency measures and report these to the governor at (~~intervals of~~  
27 ~~not less than~~) least every ten days, except for those measures taken  
28 in response to emergency proclamation 22-02, green crab infestation.  
29 The director must report the effects of the emergency measures taken  
30 in response to emergency proclamation 22-02, green crab infestation,  
31 to the governor at least monthly. The director must immediately  
32 advise the governor if the director finds that the emergency no  
33 longer exists or if certain emergency measures should be  
34 discontinued.

35 **PART II**  
36 **REPEAL OF REPORTS**

37 **Sec. 9.** RCW 28B.77.220 and 2013 c 23 s 61 are each amended to  
38 read as follows:

1 (1) The council must convene work groups to develop transfer  
2 associate degrees that will satisfy lower division requirements at  
3 public four-year institutions of higher education for specific  
4 academic majors. Work groups must include representatives from the  
5 state board for community and technical colleges and the council of  
6 presidents, as well as faculty from two and four-year institutions.  
7 Work groups may include representatives from independent four-year  
8 institutions.

9 (2) Each transfer associate degree developed under this section  
10 must enable a student to complete the lower-division courses or  
11 competencies for general education requirements and preparation for  
12 the major that a direct-entry student would typically complete in the  
13 first-year student and sophomore years for that academic major.

14 (3) Completion of a transfer associate degree does not guarantee  
15 a student admission into an institution of higher education or  
16 admission into a major, minor, or professional program at an  
17 institution of higher education that has competitive admission  
18 standards for the program based on grade point average or other  
19 performance criteria.

20 (4) During the 2004-05 academic year, the work groups must  
21 develop transfer degrees for elementary education, engineering, and  
22 nursing. As necessary based on demand or identified need, the council  
23 must convene additional groups to identify and develop additional  
24 transfer degrees. The council must give priority to majors in high  
25 demand by transfer students and majors that the general direct  
26 transfer agreement associate degree does not adequately prepare  
27 students to enter automatically upon transfer.

28 (5) The council, in collaboration with the intercollege relations  
29 commission, must collect and maintain lists of courses offered by  
30 each community and technical college and public four-year institution  
31 of higher education that fall within each transfer associate degree.

32 (6) The council must monitor implementation of transfer associate  
33 degrees by public four-year institutions to ensure compliance with  
34 subsection (2) of this section.

35 ~~((7) Beginning January 10, 2005, the council must submit a~~  
36 ~~progress report on the development of transfer associate degrees to~~  
37 ~~the higher education committees of the house of representatives and~~  
38 ~~the senate. The first progress report must include measurable~~  
39 ~~benchmark indicators to monitor the effectiveness of the initiatives~~  
40 ~~in improving transfer and baseline data for those indicators before~~



1 ~~the implementation of the initiatives. Subsequent reports must be~~  
2 ~~submitted by January 10th of each odd-numbered year and must monitor~~  
3 ~~progress on the indicators, describe development of additional~~  
4 ~~transfer associate degrees, and provide other data on improvements in~~  
5 ~~transfer efficiency.))~~

6 **Sec. 10.** RCW 35.90.020 and 2020 c 139 s 59 are each amended to  
7 read as follows:

8 (1) Except as otherwise provided in subsection (7) of this  
9 section, a city that requires a general business license of any  
10 person that engages in business activities within that city must  
11 partner with the department to have such license issued, and renewed  
12 if the city requires renewal, through the business licensing service  
13 in accordance with chapter 19.02 RCW.

14 (a) Except as otherwise provided in subsection (3) of this  
15 section, the department must phase in the issuance and renewal of  
16 general business licenses of cities that required a general business  
17 license as of July 1, 2017, and are not already partnering with the  
18 department, as follows:

19 (i) Between January 1, 2018, and December 31, 2021, the  
20 department must partner with at least six cities per year;

21 (ii) Between January 1, 2022, and December 31, 2027, the  
22 department must partner with the remaining cities; or

23 (iii) Between July 1, 2017 and December 31, 2022, the department  
24 must partner with all cities requiring a general business license if  
25 specific funding for the purposes of this subsection (1)(a)(iii) is  
26 appropriated in the omnibus appropriations act.

27 (b) A city that imposes a general business license requirement  
28 and does not partner with the department as of January 1, 2018, may  
29 continue to issue and renew its general business licenses until the  
30 city partners with the department as provided in subsection (4) of  
31 this section.

32 (2)(a) A city that did not require a general business license as  
33 of July 1, 2017, but imposes a new general business license  
34 requirement after that date must advise the department in writing of  
35 its intent to do so at least ninety days before the requirement takes  
36 effect.

37 (b) If a city subject to (a) of this subsection (2) imposes a new  
38 general business license requirement after July 1, 2017, the  
39 department, in its sole discretion, may adjust resources to partner

1 with the imposing city as of the date that the new general business  
2 licensing requirement takes effect. If the department cannot  
3 reallocate resources, the city may issue and renew its general  
4 business license until the department is able to partner with the  
5 city.

6 (3) The department may delay assuming the duties of issuing and  
7 renewing general business licenses beyond the dates provided in  
8 subsection (1)(a) of this section if:

9 (a) Insufficient funds are appropriated for this specific  
10 purpose;

11 (b) The department cannot ensure the business licensing system is  
12 adequately prepared to handle all general business licenses due to  
13 unforeseen circumstances;

14 (c) The department determines that a delay is necessary to ensure  
15 that the transition to mandatory department issuance and renewal of  
16 general business licenses is as seamless as possible; or

17 (d) The department receives a written notice from a city within  
18 sixty days of the date that the city appears on the department's  
19 biennial partnership plan, which includes an explanation of the  
20 fiscal or technical challenges causing the city to delay joining the  
21 system. A delay under this subsection (3)(d) may be for no more than  
22 three years.

23 (4)(a) In consultation with affected cities and in accordance  
24 with the priorities established in subsection (5) of this section,  
25 the department must establish a biennial plan for partnering with  
26 cities to assume the issuance and renewal of general business  
27 licenses as required by this section. The plan must identify the  
28 cities that the department will partner with and the dates targeted  
29 for the department to assume the duties of issuing and renewing  
30 general business licenses.

31 (b) By January 1, 2018, and January 1st of each even-numbered  
32 year thereafter until the department has partnered with all cities  
33 that currently impose a general business license requirement and that  
34 have not declined to partner with the department under subsection (7)  
35 of this section, the department must submit the partnering plan  
36 required in (a) of this subsection (4) to the governor; legislative  
37 fiscal committees; house local government committee; senate financial  
38 institutions, economic development and trade committee; senate local  
39 government committee; affected cities; association of Washington

1 cities; association of Washington business; national federation of  
2 independent business; and Washington retail association.

3 (c) The department may, in its sole discretion, alter the plan  
4 required in (a) of this subsection (4) with a minimum notice of  
5 thirty days to affected cities.

6 (5) When determining the plan to partner with cities for the  
7 issuance and renewal of general business licenses as required in  
8 subsection (4) of this section, cities that notified the department  
9 of their wish to partner with the department before January 1, 2017,  
10 must be allowed to partner before other cities.

11 (6) A city that partners with the department for the issuance and  
12 renewal of general business licenses through the business licensing  
13 service in accordance with chapter 19.02 RCW may not issue and renew  
14 those licenses.

15 (7)(a) Except as provided in (b) of this subsection, a city may  
16 decline to partner with the department for the issuance and renewal  
17 of a general business license as provided in subsection (1) of this  
18 section if the city participates in the online local business license  
19 and tax filing portal known as "FileLocal" as of July 1, 2020.

20 (b) A city that receives at least one million nine hundred fifty  
21 thousand dollars in fiscal year 2020 for temporary streamlined sales  
22 tax mitigation under the 2019 omnibus appropriations act, section  
23 722, chapter 415, Laws of 2019, may decline to partner with the  
24 department for the issuance and renewal of a general business license  
25 as provided in subsection (1) of this section if the city  
26 participates in FileLocal as of July 1, 2021.

27 (c) For the purposes of this subsection (7), a city is considered  
28 to be a FileLocal participant as of the date that a business may  
29 access FileLocal for purposes of applying for or renewing that city's  
30 general business license and reporting and paying that city's local  
31 business and occupation taxes. A city that ceases participation in  
32 FileLocal after July 1, 2020, or July 1, 2021, in the case of a city  
33 eligible for the extension under (b) of this subsection, must partner  
34 with the department for the issuance and renewal of its general  
35 business license as provided in subsection (1) of this section.

36 ~~((8) By January 1, 2019, and each January 1st thereafter through~~  
37 ~~January 1, 2028, the department must submit a progress report to the~~  
38 ~~legislature. The report required by this subsection must provide~~  
39 ~~information about the progress of the department's efforts to partner~~

1 with all cities that impose a general business license requirement  
2 and include:

3 ~~(a) A list of cities that have partnered with the department as  
4 required in subsection (1) of this section;~~

5 ~~(b) A list of cities that have not partnered with the department;~~

6 ~~(c) A list of cities that are scheduled to partner with the  
7 department during the upcoming calendar year;~~

8 ~~(d) A list of cities that have declined to partner with the  
9 department as provided in subsection (7) of this section;~~

10 ~~(e) An explanation of lessons learned and any process  
11 efficiencies incorporated by the department;~~

12 ~~(f) Any recommendations to further simplify the issuance and  
13 renewal of general business licenses by the department; and~~

14 ~~(g) Any other information the department considers relevant.)~~

15 **Sec. 11.** RCW 43.21A.150 and 2017 c 47 s 2 are each amended to  
16 read as follows:

17 ~~((1))~~ The director, whenever it is lawful and feasible to do  
18 so, shall consult and cooperate with the federal government, as well  
19 as with other states and Canadian provinces, in the study and control  
20 of environmental problems. On behalf of the department, the director  
21 is authorized to accept, receive, disburse, and administer grants or  
22 other funds or gifts from any source, including private individuals  
23 or agencies, the federal government, and other public agencies, for  
24 the purpose of carrying out the provisions of this chapter.

25 ~~((2) (a) Beginning December 31, 2017, the director must list on  
26 the department's website information regarding the current  
27 interagency agreements to which the department is a party or in which  
28 the department is a participant.~~

29 ~~(b) The list must identify each agreement, the type of agreement,  
30 parties to the agreement, the effective date of the agreement, and a  
31 brief description of the agreement. The list must include all  
32 interagency agreements involving the department and other state  
33 agencies, local governments, special purpose districts, the federal  
34 government and federal government agencies, and the agencies of other  
35 states.~~

36 ~~(c) For the initial list, the department must by December 31,  
37 2017, list all grant agreements and federal agreements where  
38 information is readily extractable from the department's data  
39 systems. For those data systems that, because of their age, require~~

1 ~~programming support to extract and format data for publishing to the~~  
2 ~~internet, the department must complete listing the required~~  
3 ~~information according to the following schedule:~~

4 ~~(i) By June 30, 2018, all contract, loan, and grant agreements;~~

5 ~~(ii) By December 31, 2018, all agreements pertaining to funds~~  
6 ~~receivable for work performed by the department, leases, and~~  
7 ~~nonfinancial interagency agreements.~~

8 ~~(d) Beginning December 1, 2018, the department must annually~~  
9 ~~update the website to include new interagency agreements that the~~  
10 ~~department has entered into and must identify the agreements that~~  
11 ~~have been updated within the past year.~~

12 ~~(e) For the purposes of this section, the term "interagency~~  
13 ~~agreement" includes but is not limited to memoranda of understanding,~~  
14 ~~grant contracts, and advisory or nonbinding agreements.~~

15 ~~(f) For purposes of this section, the information posted on the~~  
16 ~~department's website is considered to function as a report to the~~  
17 ~~legislature because the report acts as a mechanism of keeping the~~  
18 ~~legislature apprised of the department's interagency agreements.))~~

19 **Sec. 12.** RCW 43.60A.240 and 2020 c 56 s 2 are each amended to  
20 read as follows:

21 (1) The position of lesbian, gay, bisexual, transgender, and  
22 queer coordinator is created within the department.

23 (2) The duties of the lesbian, gay, bisexual, transgender, and  
24 queer coordinator include, but are not limited to:

25 (a) Conducting outreach to, and providing assistance designed for  
26 the unique needs of, veterans who are lesbian, gay, bisexual,  
27 transgender, and queer, and to the spouses and dependents of such  
28 veterans;

29 (b) Providing assistance to veterans who are lesbian, gay,  
30 bisexual, transgender, and queer in applying for an upgrade to the  
31 character of a discharge from service or a change in the narrative  
32 reason for a discharge from service;

33 (c) Providing assistance in applying for and obtaining veterans'  
34 benefits and benefits available through other programs that provide  
35 services and resources to veterans who are lesbian, gay, bisexual,  
36 transgender, and queer, and to the spouses and dependents of such  
37 veterans;

38 (d) Providing assistance to veterans who are lesbian, gay,  
39 bisexual, transgender, and queer in applying for, and in appealing

1 any denial of, federal and state veterans' benefits and aid that such  
2 veterans, and the spouses and dependents of such veterans, may be  
3 entitled to; and

4 (e) Developing and distributing informational materials to  
5 veterans who are lesbian, gay, bisexual, transgender, and queer, and  
6 to the spouses and dependents of such veterans, regarding veterans'  
7 benefits and other benefit programs that provide services and  
8 resources to veterans who are lesbian, gay, bisexual, transgender,  
9 and queer, and to the spouses and dependents of such veterans.

10 ~~((3) No later than December 15, 2021, the department must  
11 prepare and submit a report to the governor, the joint committee on  
12 veterans' and military affairs, and the appropriate standing  
13 committees of the legislature regarding the implementation and status  
14 of the position of lesbian, gay, bisexual, transgender, and queer  
15 coordinator created under subsection (1) of this section. The report  
16 must include, at a minimum, information regarding the following:~~

17 ~~(a) The number of veterans served;~~

18 ~~(b) The type of assistance provided;~~

19 ~~(c) Recommendations for the improvement and expansion of the  
20 services provided by the coordinator; and~~

21 ~~(d) Recommendations for legislative changes.))~~

22 **Sec. 13.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to  
23 read as follows:

24 The director of veterans affairs shall make such rules and  
25 regulations as may be necessary to carry out the purposes of this  
26 chapter. The department shall furnish information, advice, and  
27 assistance to veterans and coordinate all programs and services in  
28 the field of veterans' claims service, education, health, vocational  
29 guidance and placement, and services not provided by some other  
30 agency of the state or by the federal government. ~~((The director  
31 shall submit a report of the departments' activities hereunder each  
32 year to the governor.))~~

33 **Sec. 14.** RCW 43.63A.068 and 2018 c 58 s 3 are each amended to  
34 read as follows:

35 (1)(a) The department of commerce shall establish an advisory  
36 committee to monitor, guide, and report on recommendations relating  
37 to policies and programs for children and families with incarcerated  
38 parents.

1 (b) The advisory committee shall include representatives of the  
2 department of corrections, the department of social and health  
3 services, the department of children, youth, and families, the office  
4 of the superintendent of public instruction, representatives of the  
5 private nonprofit and business sectors, child advocates,  
6 representatives of Washington state Indian tribes as defined under  
7 the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court  
8 administrators, the administrative office of the courts, the  
9 Washington association of sheriffs and police chiefs, jail  
10 administrators, the office of the governor, and others who have an  
11 interest in these issues.

12 (c) The advisory committee shall:

13 (i) Gather the data collected by the departments as required in  
14 RCW 72.09.495, 74.04.800, 43.216.060, and 28A.300.520;

15 (ii) Monitor and provide consultation on the implementation of  
16 recommendations contained in the 2006 children of incarcerated  
17 parents report;

18 (iii) Identify areas of need and develop recommendations for the  
19 legislature, the department of social and health services, the  
20 department of corrections, the department of children, youth, and  
21 families, and the office of the superintendent of public instruction  
22 to better meet the needs of children and families of persons  
23 incarcerated in department of corrections facilities; and

24 (iv) Advise the department of commerce regarding community  
25 programs the department should fund with moneys appropriated for this  
26 purpose in the operating budget. The advisory committee shall provide  
27 recommendations to the department regarding the following:

28 (A) The goals for geographic distribution of programs and  
29 funding;

30 (B) The scope and purpose of eligible services and the priority  
31 of such services;

32 (C) Grant award funding limits;

33 (D) Entities eligible to apply for the funding;

34 (E) Whether the funding should be directed towards starting or  
35 supporting new programs, expanding existing programs, or whether the  
36 funding should be open to all eligible services and providers; and

37 (F) Other areas the advisory committee determines appropriate.

38 ~~((d) The children of incarcerated parents advisory committee  
39 shall update the legislature and governor biennially on committee  
40 activities, with the first update due by January 1, 2010.))~~

1 (2) The department of commerce shall select community programs or  
2 services to receive funding that focus on children and families of  
3 inmates incarcerated in a department of corrections facility and  
4 sustaining the family during the period of the inmate's  
5 incarceration.

6 (a) Programs or services which meet the needs of the children of  
7 incarcerated parents should be the greatest consideration in the  
8 programs that are identified by the department.

9 (b) The department shall consider the recommendations of the  
10 advisory committee regarding which services or programs the  
11 department should fund.

12 (c) The programs selected shall collaborate with an agency, or  
13 agencies, experienced in providing services to aid families and  
14 victims of sexual assault and domestic violence to ensure that the  
15 programs identify families who have a history of sexual assault or  
16 domestic violence and ensure the services provided are appropriate  
17 for the children and families.

18 **Sec. 15.** RCW 43.105.369 and 2016 c 195 s 2 are each amended to  
19 read as follows:

20 (1) The office of privacy and data protection is created within  
21 the office of the state chief information officer. The purpose of the  
22 office of privacy and data protection is to serve as a central point  
23 of contact for state agencies on policy matters involving data  
24 privacy and data protection.

25 (2) The director shall appoint the chief privacy officer, who is  
26 the director of the office of privacy and data protection.

27 (3) The primary duties of the office of privacy and data  
28 protection with respect to state agencies are:

29 (a) To conduct an annual privacy review;

30 (b) To conduct an annual privacy training for state agencies and  
31 employees;

32 (c) To articulate privacy principles and best practices;

33 (d) To coordinate data protection in cooperation with the agency;  
34 and

35 (e) To participate with the office of the state chief information  
36 officer in the review of major state agency projects involving  
37 personally identifiable information.



1 (4) The office of privacy and data protection must serve as a  
2 resource to local governments and the public on data privacy and  
3 protection concerns by:

4 (a) Developing and promoting the dissemination of best practices  
5 for the collection and storage of personally identifiable  
6 information, including establishing and conducting a training program  
7 or programs for local governments; and

8 (b) Educating consumers about the use of personally identifiable  
9 information on mobile and digital networks and measures that can help  
10 protect this information.

11 (5) By December 1, 2016, and every four years thereafter, the  
12 office of privacy and data protection must prepare and submit to the  
13 legislature a report evaluating its performance. The office of  
14 privacy and data protection must establish performance measures in  
15 its 2016 report to the legislature and, in each report thereafter,  
16 demonstrate the extent to which performance results have been  
17 achieved. These performance measures must include, but are not  
18 limited to, the following:

19 (a) The number of state agencies and employees who have  
20 participated in the annual privacy training;

21 (b) A report on the extent of the office of privacy and data  
22 protection's coordination with international and national experts in  
23 the fields of data privacy, data protection, and access equity;

24 (c) A report on the implementation of data protection measures by  
25 state agencies attributable in whole or in part to the office of  
26 privacy and data protection's coordination of efforts; and

27 (d) A report on consumer education efforts, including but not  
28 limited to the number of consumers educated through public outreach  
29 efforts, as indicated by how frequently educational documents were  
30 accessed, the office of privacy and data protection's participation  
31 in outreach events, and inquiries received back from consumers via  
32 telephone or other media.

33 (6) Within one year of June 9, 2016, the office of privacy and  
34 data protection must submit to the joint legislative audit and review  
35 committee for review and comment the performance measures developed  
36 under subsection (5) of this section and a data collection plan.

37 ~~((7) The office of privacy and data protection shall submit a~~  
38 ~~report to the legislature on the: (a) Extent to which~~  
39 ~~telecommunications providers in the state are deploying advanced~~  
40 ~~telecommunications capability; and (b) existence of any inequality in~~

1 ~~access to advanced telecommunications infrastructure experienced by~~  
2 ~~residents of tribal lands, rural areas, and economically distressed~~  
3 ~~communities. The report may be submitted at a time within the~~  
4 ~~discretion of the office of privacy and data protection, at least~~  
5 ~~once every four years, and only to the extent the office of privacy~~  
6 ~~and data protection is able to gather and present the information~~  
7 ~~within existing resources.))~~

8       **Sec. 16.** RCW 47.01.330 and 2005 c 318 s 2 are each amended to  
9 read as follows:

10       (1) The secretary shall establish an office of transit mobility.  
11 The purpose of the office is to facilitate the integration of  
12 decentralized public transportation services with the state  
13 transportation system. The goals of the office of transit mobility  
14 are: (a) To facilitate connection and coordination of transit  
15 services and planning; and (b) maximizing opportunities to use public  
16 transportation to improve the efficiency of transportation corridors.

17       (2) The duties of the office include, but are not limited to, the  
18 following:

19       (a) Developing a statewide strategic plan that creates common  
20 goals for transit agencies and reduces competing plans for cross-  
21 jurisdictional service;

22       (b) Developing a park and ride lot program;

23       (c) Encouraging long-range transit planning;

24       (d) Providing public transportation expertise to improve linkages  
25 between regional transportation planning organizations and transit  
26 agencies;

27       (e) Strengthening policies for inclusion of transit and  
28 transportation demand management strategies in route development,  
29 corridor plan standards, and budget proposals;

30       (f) Recommending best practices to integrate transit and demand  
31 management strategies with regional and local land use plans in order  
32 to reduce traffic and improve mobility and access;

33       (g) Producing recommendations for the public transportation  
34 section of the Washington transportation plan; and

35       (h) Participating in all aspects of corridor planning, including  
36 freight planning, ferry system planning, and passenger rail planning.

37       (3) In forming the office, the secretary shall use existing  
38 resources to the greatest extent possible.

1 (4) The office of transit mobility shall establish measurable  
2 performance objectives for evaluating the success of its initiatives  
3 and progress toward accomplishing the overall goals of the office.

4 ~~((5) The office of transit mobility must report quarterly to the  
5 secretary, and annually to the transportation committees of the  
6 legislature, on the progress of the office in meeting the goals and  
7 duties provided in this section.))~~

8 **Sec. 17.** RCW 54.16.425 and 2021 c 294 s 4 are each amended to  
9 read as follows:

10 (1) Property owned by a public utility district that is exempt  
11 from property tax under RCW 84.36.010 is subject to an annual payment  
12 in lieu of property taxes if the property consists of a broadband  
13 infrastructure used in providing retail telecommunications services.

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

18 (b) The amount agreed upon may not exceed the property tax amount  
19 that would be owed on the property comprising the broadband  
20 infrastructure used in providing retail telecommunications services  
21 as calculated by the department of revenue. The public utility  
22 district must provide information necessary for the department of  
23 revenue to make the required valuation under this subsection. The  
24 department of revenue must provide the amount of property tax that  
25 would be owed on the property to the county or counties in which the  
26 broadband infrastructure is located on an annual basis.

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

1 (3) By April 30th of each year, a public utility district must  
2 remit the annual payment to the county treasurer of each county in  
3 which the public utility district's broadband infrastructure used in  
4 providing retail telecommunications services is located in a form and  
5 manner required by the county treasurer.

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

10 ~~((5) By December 1, 2019, and annually thereafter, the~~  
11 ~~department of revenue must submit a report to the appropriate~~  
12 ~~legislative committees detailing the amount of payments made under~~  
13 ~~this section and the amount of property tax that would be owed on the~~  
14 ~~property comprising the broadband infrastructure used in providing~~  
15 ~~retail telecommunications services.))~~

16 **Sec. 18.** RCW 72.09.765 and 2020 c 319 s 4 are each amended to  
17 read as follows:

18 (1) Any contract to provide inmates with access to  
19 telecommunication services and electronic media services in state  
20 correctional facilities shall be made publicly available and posted  
21 on the department's website.

22 (2) The information in this subsection from the contract shall be  
23 prominently displayed on the department's public website:

24 (a) Rates for facilitating telecommunication services including,  
25 but not limited to, phone calls, video visitation, videograms and  
26 video clips, emails, and accessing music and entertainment;

27 (b) Fees charged for money transfers and transactions,  
28 maintenance of financial accounts, and any other fee charged to the  
29 user to facilitate the money transfer or online deposit account; and

30 (c) All fees or costs charged to the inmate or customer in  
31 exchange for use of telecommunication or electronic media services  
32 through the contract.

33 (3) By July 1st of each year, the contractor that provides  
34 inmates with access to telecommunication services and electronic  
35 media services under subsection (1) of this section shall report to  
36 the department the following information:

37 (a) A summary of services offered at each correctional facility;

38 (b) Rates charged for, or associated with, providing each type of  
39 service including, but not limited to, monthly financial account

1 maintenance fees, transaction fees associated with money transfers,  
2 per call and connection surcharges, bill statement fees, and refund  
3 fees;

4 (c) A total accounting of commissions provided to the department  
5 or correctional facility;

6 (d) A summary and accounting of services used by inmates  
7 categorized as indigent;

8 (e) One-time and ongoing costs incurred for installing and  
9 maintaining hardware;

10 (f) Average customer service response time rates per facility and  
11 the average time taken to resolve an issue or provide a refund for  
12 defective services; and

13 (g) An accounting of all revenues or losses incurred by the  
14 contractor by quarter.

15 (4) (~~By November 1st of each year, and in compliance with RCW  
16 43.01.036, the department shall report to the governor and  
17 legislature on contracts for telecommunication services and  
18 electronic media services under this section and the contractor's  
19 annual compliance with this section.~~

20 ~~(5))~~) This section applies to any contract in effect on June 11,  
21 2020, and to any renegotiation, renewal, or extension of such  
22 contract.

23 **Sec. 19.** RCW 77.32.555 and 2015 c 254 s 1 are each amended to  
24 read as follows:

25 (1) In addition to the fees authorized in this chapter, the  
26 department shall include a surcharge to fund biotoxin testing and  
27 monitoring by the department of health of beaches used for  
28 recreational shellfishing, and to fund monitoring by the Olympic  
29 region harmful algal bloom program of the Olympic natural resources  
30 center at the University of Washington. The surcharge on recreational  
31 shellfish licenses cannot be increased more than one dollar and can  
32 only be increased when the surcharge for commercial shellfish  
33 licenses is increased. A surcharge of four dollars applies to  
34 resident and nonresident shellfish and seaweed licenses as authorized  
35 by RCW 77.32.520(3) (a) and (b); a surcharge of three dollars applies  
36 to resident and nonresident adult combination licenses as authorized  
37 by RCW 77.32.470(2) (a); a surcharge of three dollars applies to  
38 annual resident and nonresident razor clam licenses as authorized by  
39 RCW 77.32.520(4); and a surcharge of two dollars applies to the

1 three-day razor clam license authorized by RCW 77.32.520(5). Amounts  
2 collected from these surcharges must be deposited in the biotoxin  
3 account created in subsection (3) of this section. The department may  
4 not use any amounts collected from these surcharges to pay for its  
5 administrative costs.

6 (2) Any moneys from surcharges remaining in the general fund—  
7 local account after the 2007-2009 biennium must be transferred to the  
8 biotoxin account created in subsection (3) of this section and be  
9 credited to the appropriate institution. ~~((The department of health  
10 and the University of Washington shall, by December 1st of each year,  
11 provide a letter to the relevant legislative policy and fiscal  
12 committees on the status of expenditures. This letter shall include,  
13 but is not limited to, the annual appropriation amount, the amount  
14 not expended, account fund balance, and reasons for not spending the  
15 full annual appropriation.))~~

16 (3) The biotoxin account is created in the state treasury to be  
17 administered by the department of health. All moneys received under  
18 subsection (1) of this section must be deposited in the account and  
19 used by the department of health and the University of Washington as  
20 required by subsection (1) of this section. Of the moneys deposited  
21 into the account, one hundred fifty thousand dollars per year must be  
22 made available to the University of Washington to implement  
23 subsection (1) of this section. Moneys in the account may be spent  
24 only after appropriation.

25 **Sec. 20.** RCW 82.14.470 and 2011 c 363 s 4 are each amended to  
26 read as follows:

27 (1)(a)(i) Moneys collected from the taxes imposed under RCW  
28 82.14.465 may be used only for the following purposes:

29 (A) Principal and interest payments on bonds issued to finance or  
30 refinance public improvements in a benefit zone under the authority  
31 of RCW 39.100.060;

32 (B) Principal and interest payments on other bonds issued by the  
33 local government to finance public improvements; or

34 (C) Payments for public improvement costs.

35 (ii) Moneys collected and used as provided in (a)(i) of this  
36 subsection must be matched with an amount from local public sources  
37 dedicated, as further provided in RCW 82.14.465 (4)(c)(ii) and  
38 (7)(k), through December 31st of the previous calendar year to  
39 finance public improvements authorized under chapter 39.100 RCW.

1 (b) Local public sources are dedicated to finance public  
2 improvements if they: (i) Are actually expended to pay public  
3 improvement costs or debt service on bonds issued for public  
4 improvements; or (ii) are required by law or an agreement to be used  
5 exclusively to pay public improvement costs or debt service on bonds  
6 issued for public improvements.

7 (c) A city, town, or county is not required to expend taxes  
8 imposed under RCW 82.14.465 in the fiscal year in which the taxes are  
9 received.

10 (2) A local government must inform the department by the first  
11 day of March of the amount of local public sources allocated to the  
12 preceding calendar year to finance public improvements authorized  
13 under chapter 39.100 RCW.

14 (3) If a local government fails to comply with subsection (2) of  
15 this section, no tax may be imposed under RCW 82.14.465 in the  
16 subsequent fiscal year.

17 (4) (a) A local government must provide a report to the department  
18 and the state auditor by March 1st of each year. A local government  
19 must make a good faith effort to provide information required for the  
20 report.

21 (b) The report must contain the following information:

22 (i) The amount of tax allocation revenues, taxes under RCW  
23 82.14.465, and local public sources received by the local government  
24 during the preceding calendar year, and a summary of how these  
25 revenues were expended; and

26 (ii) The names of any businesses known to the local government  
27 that have located within the benefit zone as a result of the public  
28 improvements undertaken by the local government and financed in whole  
29 or in part with hospital benefit zone financing.

30 ~~((5) The department must make a report available to the public  
31 and the legislature by June 1st of each year. The report must include  
32 a list of public improvements undertaken by local governments and  
33 financed in whole or in part with hospital benefit zone financing,  
34 and it must also include a summary of the information provided to the  
35 department by local governments under subsection (4) of this  
36 section.))~~

37 **Sec. 21.** RCW 82.32.765 and 2016 c 207 s 5 are each amended to  
38 read as follows:

1       ~~((1))~~ A sponsoring local government receiving a project award  
2 under RCW 39.104.100 must provide a report to the department by March  
3 1st of each year beginning March 1st after the project award has been  
4 approved. The report must contain the following information:

5       ~~((a))~~ (1) The amounts of local property tax allocation revenues  
6 received in the preceding calendar year broken down by sponsoring  
7 local government and participating taxing district;

8       ~~((b))~~ (2) The amount of state property tax allocation revenues  
9 estimated to have been received by the state in the preceding  
10 calendar year;

11       ~~((c))~~ (3) The amount of local sales and use tax and other  
12 revenue from local public sources dedicated by any participating  
13 local government used for the payment of bonds under RCW 39.104.110  
14 and public improvement costs within the revitalization area on a pay-  
15 as-you-go basis in the preceding calendar year;

16       ~~((d))~~ (4) The amount of local sales and use tax dedicated by  
17 the sponsoring local government, as it relates to the sponsoring  
18 local government's local sales and use tax increment, used for the  
19 payment of bonds under RCW 39.104.110 and public improvement costs  
20 within the revitalization area on a pay-as-you-go basis;

21       ~~((e))~~ (5) The amounts, other than those listed in ~~((a) through~~  
22 ~~(d) of this))~~ subsections (1) through (4) of this section, from local  
23 public sources, broken down by type or source, used for payment of  
24 bonds under RCW 39.104.110 or public improvement costs within the  
25 revitalization area on a pay-as-you-go basis in the preceding  
26 calendar year;

27       ~~((f))~~ (6) The anticipated date when bonds under RCW 39.104.110  
28 are expected to be retired;

29       ~~((g))~~ (7) The names of any businesses locating within the  
30 revitalization area as a result of the public improvements undertaken  
31 by the sponsoring local government and financed in whole or in part  
32 with local revitalization financing;

33       ~~((h))~~ (8) An estimate of the cumulative number of permanent  
34 jobs created in the revitalization area as a result of the public  
35 improvements undertaken by the sponsoring local government and  
36 financed in whole or in part with local revitalization financing;

37       ~~((i))~~ (9) An estimate of the average wages and benefits  
38 received by all employees of businesses locating within the  
39 revitalization area as a result of the public improvements undertaken



1 by the sponsoring local government and financed in whole or in part  
2 with local revitalization financing;

3 ~~((j))~~ (10) A list of public improvements financed by bonds  
4 issued under RCW 39.104.110 and the date on which the bonds are  
5 anticipated to be retired;

6 ~~((k))~~ (11) That the sponsoring local government is in  
7 compliance with RCW 39.104.030;

8 ~~((l))~~ (12) At least once every three years, updated estimates  
9 of the amounts of state and local sales and use tax increments  
10 estimated to have been received since the approval of the project  
11 award under RCW 39.104.100;

12 ~~((m))~~ (13) The amount of revenues from local public sources  
13 that (i) were expended in prior years for the payment of bonds under  
14 RCW 39.104.110 and public improvement costs within the revitalization  
15 area on a pay-as-you-go basis in prior calendar years that were in  
16 excess of the project award amount for that year and are carried  
17 forward for dedication in future years, (ii) are deemed dedicated to  
18 payment of bonds or public improvement costs in the calendar year for  
19 which the report is prepared, and (iii) remain available for  
20 dedication in future years; and

21 ~~((n))~~ (14) Any other information required by the department to  
22 enable the department to fulfill its duties under this chapter and  
23 RCW 82.14.510.

24 ~~((2) The department must make a report available to the public  
25 and the legislature by June 1st of each year. The report must include  
26 a summary of the information provided to the department by sponsoring  
27 local governments under subsection (1) of this section.)~~

28 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
29 each repealed:

30 (1) RCW 13.32A.045 (Family reconciliation services—Data) and 2020  
31 c 51 s 4;

32 (2) RCW 19.02.055 (Agency duties—Information—Certification) and  
33 2013 c 111 s 2;

34 (3) RCW 19.280.060 (Department's duties—Report to the  
35 legislature) and 2015 3rd sp.s. c 19 s 10, 2013 c 149 s 4, & 2006 c  
36 195 s 6;

37 (4) RCW 43.31.980 (Impact fee annual report) and 2015 c 241 s 4;

1           (5) RCW 43.60A.101 (Peer-to-peer support program—Report to the  
2 legislature) and 2017 c 192 s 5; and  
3           (6) RCW 62A.9A-527 (Duty to report) and 2000 c 250 s 9A-527.

--- **END** ---