H-2498.1

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**HOUSE BILL 2456**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Timmons, Berry, Doglio, Walen, Ramel, Santos, and Pollet

AN ACT Relating to ensuring connectivity for Washington wildlife through safe passages; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 47.04 RCW; adding a new section to chapter 77.36 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 77.04 RCW; creating a new section; providing effective dates; and providing expiration dates.

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

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

(a) Vehicle collisions kill over 5,000 deer and 300 elk, hundreds of black bears, cougars, bobcats, and coyotes, and tens of thousands of small mammals and amphibians in Washington state per year. Such loss depletes the state's natural heritage, depriving residents of wildlife watching and hunting opportunities, and weakening ecosystem functions required to support human well-being;

(b) Wildlife vehicle collisions with deer and elk alone cost Washington residents over $74,000,000 per year in lost work from injury, medical treatment, vehicle damage, emergency response, and insurance payouts. This does not include the cost of lost wildlife;

(c) Human development and roads cause loss and fragmentation of habitat, reducing the total area and quality of habitat available to Washington state's wildlife populations, and impeding normal patterns of movement that wildlife need to meet their daily, seasonal, and long-term life history and population viability needs. For example, Washington state lost over 1.1 million acres of forestland to other uses between 1978 and 2019, and over 80 percent of shrub-steppe habitat has been lost since European settlement;

(d) Climate change is already causing wildlife populations to shift home ranges in search of more suitable habitats. Fragmented landscapes with barriers to movement make it more difficult for wildlife to meet their normal needs and to adapt to climate change;

(e) Preventing the loss of remaining intact landscape corridors and vulnerable core habitats is crucial for preventing large-scale loss of Washington's biological diversity;

(f) The state of Washington and partners have built wildlife crossing structures over and under Interstate 90 and retrofitted one underpass on United States route 97. These structures have reduced wildlife-vehicle collisions by 90 percent in the areas near the crossing structures, showing that this is an effective method of improving wildlife habitat connectivity and public safety; and

(g) The state of Washington has developed some of the best wildlife habitat connectivity science in the United States. The department of fish and wildlife, in consultation with the department of transportation, has been funded and directed through the 2023-2025 appropriations act to develop the Washington habitat connectivity action plan to synthesize that science and propose priority actions to protect habitat connectivity corridors and facilitate passage of wildlife across the state's highways.

(2) Therefore, it is the intent of the legislature to direct the departments of fish and wildlife and transportation, in cooperation with other state agencies as needed, to identify and protect wildlife habitat connectivity corridors and build appropriate crossing structures to preserve the natural heritage of the state and to improve highway safety by reducing wildlife vehicle collisions.

NEW SECTION. **Sec.**  A new section is added to chapter 47.04 RCW to read as follows:

(1) The department must enter into a memorandum of understanding with the department of fish and wildlife no later than June 30, 2025, to establish the Washington wildlife habitat connectivity alliance.

(2) The purpose of the alliance is to initiate a collaborative and inclusive agency and stakeholder forum to accomplish the following objectives to:

(a) Help advance projects that provide safe passage for wildlife and motorists;

(b) Enhance or maintain ecological connectivity for Washington's fish and wildlife species; and

(c) Bring together state and federal agencies, tribal governments, and a diverse cadre of nongovernmental partners that represent academia, nonprofit organizations, and biological and engineering sciences in the furtherance of this purpose.

(3) The memorandum of understanding entered into pursuant to this section must include the following elements:

(a) The development of expectations for collaboration between the two agencies;

(b) The establishment of an interagency steering committee;

(c) The hiring of a third-party facilitator to guide the day-to-day operations of the alliance;

(d) A plan for mobilizing diverse stakeholder participation and outreach; and

(e) The identification of efforts needed to build a framework for prioritization, oversight, and funding decisions related to implementing the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife pursuant to section 308(29), chapter 475, Laws of 2023, and the utilization of funds in the Washington wildlife corridors and Washington wildlife crossings accounts.

NEW SECTION. **Sec.**  A new section is added to chapter 77.36 RCW to read as follows:

(1) The Washington wildlife corridors account is established in the state treasury. Moneys shall be appropriated to the account from the general fund and the capital appropriations act and other funding sources as deemed necessary and appropriate by the legislature. Private donations may be made to the account.

(2) The department is authorized to use funds in the account for implementation of strategic activities that promote the protection and management of wildlife corridors as identified in the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023 including, but not limited to:

(a) The purchase of land or interest in land through voluntary conservation easements to protect habitat within key connectivity corridors guided by the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023. Funds may be directed through the use of interagency cooperative agreements to the recreation and conservation office, the conservation commission, or department of natural resources as appropriate to the specific corridor protection project;

(b) Landowner assistance programs to remove fencing and invasive weeds and other habitat restoration activities within corridors;

(c) Required updates to the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023; and

(d) Department administrative and personnel staffing needs for implementation of the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023.

(3) Biennial spending plans shall be developed in consultation with the Washington wildlife habitat connectivity alliance established in section 2 of this act and interested tribes.

(4) Beginning in 2026, the department shall report by June 30th of each even-numbered year, in accordance with RCW 43.01.036, to the appropriate committees of the legislature and the governor's office on expenditures from the account and how the expenditures have furthered implementation of the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023.

NEW SECTION. **Sec.**  A new section is added to chapter 46.68 RCW to read as follows:

(1) The Washington wildlife crossings account is created in the state treasury. Moneys shall be appropriated to the account from the transportation appropriations act and other funding sources as deemed necessary and appropriate by the legislature. Private donations may be made to the account.

(2) The department of transportation may use funds in the account for the design, construction, identification, restoration, and protection of wildlife crossings and other highway features to reduce wildlife-vehicle collisions in this state. Authorized uses of funds in the account include but are not limited to:

(a) Conducting feasibility studies, planning, engineering design, construction of crossing structures, retrofits, fencing, and wildlife jump-outs for crossing structures identified as priorities in the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023;

(b) Using as match for federal grants to construct wildlife crossing structures;

(c) Incorporating wildlife connectivity features into the design and construction of fish passage projects where appropriate;

(d) Conducting monitoring studies of the effectiveness of constructed crossing structures at facilitating wildlife movement and reducing wildlife-vehicle collisions; and

(e) Department administrative and personnel staffing needs related to the design, construction, maintenance, identification, restoration, and protection of wildlife crossings and other related highway features.

(3) Biennial spending priorities for constructing wildlife crossing structures shall be made in consultation with the Washington wildlife habitat connectivity alliance established in section 2 of this act and interested tribes.

(4) Beginning in 2026, the department of transportation shall report by June 30th of each even-numbered year, in accordance with RCW 43.01.036, to the appropriate committees of the legislature and the governor's office on expenditures from the account and how the expenditures have furthered implementation of the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife pursuant to section 308(29), chapter 475, Laws of 2023.

NEW SECTION. **Sec.**  A new section is added to chapter 47.04 RCW to read as follows:

(1) The department shall work with the department of fish and wildlife, other relevant state and federal agencies, tribes, and interested stakeholders to implement and periodically update the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife pursuant to section 308(29), chapter 475, Laws of 2023.

(2)(a) The department shall prepare estimates of staffing needs to support the design and construction of wildlife crossing structures identified in the plan as priorities, and to build the capacity to write grants for federal funding for wildlife crossing structures.

(b) The department shall include these estimates in its biennial budget requests to the transportation committees of the legislature.

(3)(a) The department shall prepare preliminary cost estimates for building crossing structures needed to implement the Washington wildlife habitat connectivity action plan and estimate the amount of federal funding that may be available through various grant programs to assist the state in building crossing structures over the next 10 years.

(b) The department shall report these findings to the appropriate committees of the legislature with jurisdiction over transportation matters, and shall update them as needed to remain accurate.

(4)(a) The department shall include wildlife connectivity considerations in the design and implementation of fish passage projects where appropriate.

(b) The department shall include in its biennial budget requests funding estimates needed to implement wildlife connectivity design and construction with fish passage projects.

NEW SECTION. **Sec.**  A new section is added to chapter 77.04 RCW to read as follows:

The department shall take the following actions to implement its Washington wildlife habitat connectivity action plan developed pursuant to section 308(29), chapter 475, Laws of 2023:

(1) Develop strategies for habitat protection and restoration in priority corridors including, but not limited to:

(a) Recommendations and cost estimates on the purchase of conservation easements by the department or other appropriate state agencies or nonprofit land trusts;

(b) Incorporation of mapped connectivity corridors in the priority habitats and species program;

(c) Providing county planning departments with appropriate habitat connectivity data to support the development of and updates to comprehensive plans and open space policies; and

(d) Conducting outreach and education with private landowners;

(2) Update the Washington wildlife habitat connectivity action plan every six years based on actions accomplished in the prior period, and incorporating new science and other relevant technical and policy information. In the course of preparing updates to the Washington wildlife habitat connectivity action plan, the department shall consult with the department of transportation, tribes, interested stakeholders, and academic institutions; and

(3) Prepare biennial reports to the appropriate committees of the legislature regarding progress on implementation of the Washington wildlife habitat connectivity action plan and funding needs to accomplish the plan's goals.

**Sec.**  RCW 43.84.092 and 2023 c 435 s 13, 2023 c 431 s 9, 2023 c 389 s 9, 2023 c 377 s 6, 2023 c 340 s 9, 2023 c 110 s 2, 2023 c 73 s 9, and 2023 c 41 s 3 are each reenacted and amended to read as follows:

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

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

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the 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number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Washington wildlife corridors account, the Washington wildlife crossings account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

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

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

**Sec.**  RCW 43.84.092 and 2023 c 435 s 14, 2023 c 431 s 10, 2023 c 389 s 10, 2023 c 377 s 7, 2023 c 340 s 10, 2023 c 110 s 3, 2023 c 73 s 10, and 2023 c 41 s 4 are each reenacted and amended to read as follows:

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

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

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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

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

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

**Sec.**  RCW 43.84.092 and 2023 c 435 s 14, 2023 c 431 s 10, 2023 c 389 s 10, 2023 c 377 s 7, 2023 c 340 s 10, 2023 c 110 s 3, 2023 c 73 s 10, and 2023 c 41 s 4 are each reenacted and amended to read as follows:

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

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

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Washington wildlife corridors account, the Washington wildlife crossings account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

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

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

NEW SECTION. **Sec.**  (1) Section 7 of this act expires July 1, 2024.

(2) Section 8 of this act expires July 1, 2028.

NEW SECTION. **Sec.**  (1) Section 8 of this act takes effect July 1, 2024.

(2) Section 9 of this act takes effect July 1, 2028.

**--- END ---**