

**ESSB 6069** - H COMM AMD  
By Committee on Appropriations

**NOT ADOPTED 03/01/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I  
4 WASHINGTON SAVES

5 NEW SECTION. **Sec. 1.** ESTABLISHMENT. (1) Washington saves is  
6 established to serve as a vehicle through which covered employees  
7 may, on a voluntary basis, provide for additional retirement security  
8 through a state-facilitated retirement savings program in a  
9 convenient, cost-effective, and portable manner.

10 (2) Washington saves is intended as a public-private partnership  
11 that will encourage, not replace or compete with, employer-sponsored  
12 retirement plans.

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

16 (1) "Administrative account" means the Washington saves  
17 administrative treasury trust account created in section 12 of this  
18 act.

19 (2) "Complainant" means a covered employee, or that employee's  
20 designee who has written or legal authority to act on behalf of the  
21 employee, who files a complaint alleging an employer administrative  
22 violation of section 3 of this act who learned of the alleged  
23 violation by way of their employment with a covered employer.

24 (3) "Consumer price index" means the consumer price index for all  
25 urban consumers, all items, for the Seattle area as calculated by the  
26 United States bureau of labor statistics or its successor agency.

27 (4) "Covered employee" means an individual who is 18 years of age  
28 or older, who is employed by a covered employer.

29 (5) "Covered employer" means any employer that:

1 (a) Has been in business in this state for at least two years as  
2 of the immediately preceding calendar year;

3 (b) Maintains a physical presence;

4 (c) Does not offer a qualified retirement plan to their covered  
5 employees who have had continuous employment of one year or more; and

6 (d) Employs, and at any point during the immediately preceding  
7 calendar year employed, employees working a combined minimum of  
8 10,400 hours.

9 (6) "Department" means the department of labor and industries.

10 (7) "Employer" means a person or entity engaged in a business,  
11 profession, trade, or other enterprise in the state, whether for  
12 profit or not for profit. "Employer" does not include federal or  
13 state entities, agencies, or instrumentalities, or any political  
14 subdivision thereof.

15 (8) "Employer administrative duties" include all requirements of  
16 covered employers under section 3 of this act that do not involve  
17 amounts due to the employee.

18 (9) "Employment" has the same meaning as in RCW 50.04.100.

19 (10) "Governing board" means the board created in section 4 of  
20 this act.

21 (11) "Individual account" means an IRA established by or for an  
22 individual participant and owned by the individual participant  
23 pursuant to this chapter.

24 (12) "Individual participant" means any individual who is  
25 contributing to, or has a balance credited in, an IRA through the  
26 program.

27 (13) "Internal revenue code" means the federal internal revenue  
28 code of 1986, as amended, or any successor law.

29 (14) "IRA" means a traditional or Roth individual retirement  
30 account or individual retirement annuity described in section 408(a),  
31 408(b), or 408A of the internal revenue code.

32 (15) "Office" means the office of the state treasurer.

33 (16) "Payroll deduction IRA agreement" means an arrangement by  
34 which a participating employer makes payroll deductions authorized by  
35 this chapter and remits amounts deducted as contributions to IRAs on  
36 behalf of individual participants.

37 (17) "Program" means the Washington saves program established  
38 under this chapter.

39 (18) "Qualified retirement plan" means a retirement plan in  
40 compliance with applicable federal law for employees including those

1 described in section 401(a), 401(k), 403(a), 403(b), 408(k), or  
2 408(p) of the internal revenue code. A qualified retirement plan may  
3 require continuous employment of up to one year to be eligible for  
4 employee participation.

5 (19) "Wages" means any commission, compensation, salary, or other  
6 remuneration, as defined by section 219(f)(1) of the internal revenue  
7 code, received by a covered employee from a covered employer.

8 NEW SECTION. **Sec. 3.** GENERAL PROVISIONS. (1) The program:

9 (a) Allows covered employees to contribute to an IRA through  
10 automatic payroll deductions;

11 (b) Requires covered employers to fulfill the requirements  
12 provided in subsection (3) of this section;

13 (c) Facilitates automatic enrollment for covered employees and  
14 allows for covered employees to opt out of the plan;

15 (d) Has a default contribution rate, set by the governing board  
16 by rule. The default contribution rate may not be less than three  
17 percent or more than seven percent of wages; and

18 (e) Has a default escalation rate, set by the governing board by  
19 rule. The default escalation rate may not exceed one percent per  
20 year. The maximum contribution rate based on the default escalation  
21 rate may not exceed 10 percent of wages.

22 (2)(a) Covered employees, who do not opt out of the program, are  
23 automatically enrolled in the program at the default rate or at an  
24 amount expressly specified by the employee in connection with the  
25 payroll deduction IRA agreement. Individual participants may modify  
26 their contribution rates or amounts or terminate their participation  
27 in the program at any time, subject to procedure defined by rule by  
28 the governing board. All contribution amounts are subject to the  
29 dollar limits on contributions provided by federal law.

30 (b) Contributions must be invested in the default investment  
31 option unless the individual participant affirmatively elects to  
32 invest some or all balances in one or more approved investment  
33 options offered by the program. An individual participant must have  
34 the opportunity to change investments for either future contributions  
35 or existing balances, or both, subject to requirements defined by  
36 rule by the governing board.

37 (c) Individual accounts are portable. A former individual  
38 participant who is either unemployed, or is employed by a noncovered

1 employer, must be permitted to contribute to their individual  
2 account.

3 (d) An individual participant's and former individual  
4 participant's ability to withdraw, roll over, or transfer account  
5 balances is subject to, and liable for, all fees, penalties, and  
6 taxes under applicable law.

7 (e) An individual participant's or former individual  
8 participant's ability to receive distributions of contributions and  
9 earnings is subject to applicable law.

10 (3)(a) Each covered employer must facilitate the opportunity for  
11 covered employees to participate in the program by fulfilling the  
12 following administrative duties, as defined by rule by the governing  
13 board:

14 (i) Register with the program and provide the program  
15 administrator relevant information about covered employees;

16 (ii)(A) Assist the program by offering all covered employees the  
17 choice to either participate by voluntarily contributing to an IRA or  
18 opt out; or

19 (B) Automatically enroll covered employees in a qualified  
20 retirement plan offered by a trade association or chamber of commerce  
21 and permit covered employees to opt out;

22 (iii) Timely remit participant contributions; and

23 (iv) Distribute program information and disclosures to covered  
24 employees, as provided in section 4(12) of this act.

25 (b) The employers' role in the program is solely ministerial. In  
26 accordance with federal law, employers are prohibited from  
27 contributing funds to the IRAs through the program.

28 (c) Employers are not fiduciaries with respect to, or are liable  
29 for, the program, related information, educational materials, or  
30 forms or disclosures approved by the governing board, or the  
31 selection or performance of vendors selected by the governing board.  
32 An employer is not responsible for or obligated to monitor a covered  
33 employee's or individual participant's decision to participate in or  
34 opt out of the program, for contribution decisions, investment  
35 decisions, or failure to comply with the statutory eligibility  
36 conditions or limits on IRA contributions. An employer does not  
37 guarantee any investment, rate of return, or interest on assets in  
38 any individual participant account or the administrative account or  
39 is liable for any market losses, failure to realize gains, or any  
40 other adverse consequences, including the loss of favorable tax

1 treatment or public assistance benefits, incurred by any person as a  
2 result of participating in the program. Nothing in this section  
3 relieves an employer from liability for criminal, fraudulent,  
4 tortious, or otherwise actionable conduct including liability related  
5 to the failure to remit employee contributions.

6 (4) (a) The governing board must determine the type or types of  
7 IRA accounts available under the program.

8 (b) An individual participant's contributions and earnings may be  
9 combined for investment and custodial purposes only. Separate records  
10 and accounting are required for individual accounts. Reports on the  
11 status of individual accounts must be provided to each individual  
12 participant at least annually. Individual participants must have  
13 online access to their accounts.

14 (c) Any moneys placed in these accounts may not be counted as  
15 assets for the purposes of state or local means-tested program  
16 eligibility or levels of state means-tested program eligibility.

17 NEW SECTION. **Sec. 4.** GOVERNING BOARD—RESPONSIBILITIES. (1) The  
18 governing board shall design and administer the program for the  
19 exclusive benefit of individual participants and beneficiaries with  
20 the care and skill of a knowledgeable, prudent individual.

21 (2) The governing board is comprised of nine members as follows:

22 (a) The state treasurer;

23 (b) The director of the department or the director's designee;

24 and

25 (c) The following members, appointed by the governor:

26 (i) Three members with demonstrated financial, legal, or other  
27 relevant program experience;

28 (ii) One member representing the financial industry;

29 (iii) One member representing a retirement advocacy organization;

30 (iv) One member representing covered employees; and

31 (v) One member representing covered employers.

32 (3) The state treasurer shall chair the governing board.

33 (4) Members who are appointed by the governor serve three-year  
34 terms and may be appointed for a second three-year term at the  
35 discretion of the governor. Members who are appointed by the governor  
36 may serve up to two terms over the course of their lifetime. The  
37 governor may stagger the terms of the appointed members.

38 (5) The governing board may appoint work groups to support the  
39 design and administration of the program. Work groups do not serve a

1 voting function on the governing board and may include individuals  
2 who are not members of the governing board. Any work group  
3 established by the governing board is a class one group under RCW  
4 43.03.220. Work group members receive compensation accordingly.

5 (6) Other state agencies must provide appropriate and reasonable  
6 assistance to the program as needed, including gathering data and  
7 information, in order for the governing board to carry out the  
8 purposes of this chapter. The governing board may reimburse the other  
9 state agencies from the administrative account for reasonable  
10 expenses incurred in providing appropriate and reasonable assistance.

11 (7) (a) Beginning in 2025, the governing board shall meet at least  
12 four times annually and periodically as specified by the chair or a  
13 majority of the governing board.

14 (b) The governing board may conduct meetings remotely by  
15 teleconference or videoconference, including to obtain a quorum and  
16 to take votes on any measure.

17 (c) Each governing board member has one vote. The powers of the  
18 governing board must be exercised by a majority of all members  
19 present at the meeting of the governing board, whether in person or  
20 remotely. Four members constitute the necessary quorum to convene a  
21 meeting of the governing board and to act on any measure before the  
22 governing board.

23 (8) The governing board shall establish, design, develop,  
24 implement, maintain, and oversee the program in accordance with this  
25 chapter and best practices for retirement saving vehicles.

26 (9) Regarding investments, the governing board:

27 (a) Has the sole responsibility for contracting with outside  
28 firms to provide investment management for the program funds and  
29 manage the performance of investment managers under those contracts;

30 (b) Must adopt an investment policy statement and ensure that the  
31 investment options offered, including default investment options, are  
32 consistent with the objectives of the program. The menu of investment  
33 options may encompass a range of risk and return opportunities and  
34 must take the following into account:

35 (i) The nature and objectives of the program;

36 (ii) The diverse needs of individual participants;

37 (iii) The desirability of limiting investment choices under the  
38 program to a reasonable number; and

39 (iv) The extensive investment choices available to participants  
40 outside of the program.

1 (10) Regarding the design of the program, the governing board  
2 must:

3 (a) Ensure the program is designed and operated in a manner that  
4 will not cause it to be subject to or preempted by the federal  
5 employment retirement income security act of 1974, as amended, and  
6 that any employer that is not a covered employer shall have no  
7 reporting or registration obligation or requirement to take any  
8 action under the program other than to claim an exemption from  
9 coverage by the program;

10 (b) Design and operate the program to:

11 (i) Minimize costs to individual participants, covered employers,  
12 and the state;

13 (ii) Minimize the risk that covered employees will exceed  
14 applicable annual contribution limits;

15 (iii) Facilitate and encourage employee participation in the  
16 program and participant saving;

17 (iv) Maximize simplicity, including ease of administration for  
18 covered employers and ease of use for individual participants;

19 (v) Maximize portability of individual accounts;

20 (vi) Maximize financial security in retirement; and

21 (vii) Maximize the availability of funds to individual  
22 participants with a goal of having funds available within three  
23 business days following the remittance of payroll deductions by  
24 covered employers, if feasible;

25 (c) Design the program to be compliant with all applicable  
26 requirements under the internal revenue code, including requirements  
27 for favorable tax treatment of IRAs, and any other applicable law or  
28 regulation;

29 (d) Consult with the office, the department, the office of  
30 minority and women's business enterprises, and the office of the  
31 secretary of state to create a strategy to educate and inform covered  
32 employers about employer administrative duties under this chapter,  
33 including the development of culturally relevant and responsive  
34 approaches centered in cultural humility with outreach to employers  
35 that are considered socially vulnerable, historically marginalized,  
36 or face cultural or language barriers to participate in workplace  
37 retirement savings programs;

38 (e) Launch the program by January 1, 2027. The board may stagger  
39 implementation in stages after that date, which may include phasing  
40 in implementation based on the size of employers, or other factors.

1 (11) The governing board may adopt rules to govern the program,  
2 including to govern the following:

3 (a) Employee registration and enrollment process;

4 (b) Employee alternative election procedure including, but not  
5 limited to, the method in which a participating individual may opt  
6 out of participation, change their contribution rate, opt out of  
7 auto-escalation, make nonpayroll contributions, and make withdrawals;

8 (c) Contribution limits, the initial automatic default  
9 contribution rate, and the automatic default escalation rate;

10 (d) Outreach, marketing, and educational initiatives or  
11 publication of online resources, encouragement of participation,  
12 retirement savings, and sound investment practices. Outreach,  
13 marketing, and educational initiatives must promote cultural humility  
14 and engage culturally relevant and responsive approaches while  
15 including special consideration for socially vulnerable communities  
16 historically, or are known to often be, excluded from, marginalized  
17 by, or face barriers to participation in workplace retirement savings  
18 programs; and

19 (e) A process in which individuals who are not covered employees  
20 may participate in the program, including unemployed individuals,  
21 self-employed individuals, and other independent contractors.

22 (12) The governing board shall develop:

23 (a) Information regarding the program;

24 (b) The following disclosures:

25 (i) A description of the benefits and risks associated with  
26 making contributions under the program;

27 (ii) Instructions about how to obtain additional information  
28 about the program;

29 (iii) A description of the tax consequences of an IRA, which may  
30 consist of or include the disclosure statement required to be  
31 distributed by the trustee under the internal revenue code and  
32 treasury regulations thereunder;

33 (iv) A statement that covered employees seeking financial advice  
34 should contact their own financial advisers, that covered employers  
35 are not in a position to provide financial advice, and that covered  
36 employers are not liable for decisions covered employees make under  
37 this chapter;

38 (v) A statement that the program is not an employer-sponsored  
39 retirement plan;



1 (vi) A statement that the covered employee's IRA established  
2 under the program is not guaranteed by the state; and

3 (vii) A statement that neither a covered employer nor the state  
4 will monitor or has an obligation to monitor the covered employee's  
5 eligibility under the internal revenue code to make contributions to  
6 an IRA or to monitor whether the covered employee's contributions to  
7 the IRA established for the covered employee exceed the maximum  
8 permissible IRA contribution; that it is the covered employee's  
9 responsibility to monitor such matters; and that the state, the  
10 program, and the covered employer have no liability with respect to  
11 any failure of the covered employee to be eligible to make IRA  
12 contributions or any contribution in excess of the maximum IRA  
13 contribution;

14 (c) Information, forms, and instructions to be furnished to  
15 covered employees, at such times as the governing board determines,  
16 that provide the covered employee with the procedures for:

17 (i) Making contributions to the covered employee's IRA  
18 established under the program, including a description of the  
19 automatic enrollment rate, the automatic escalation rate and  
20 frequency, and the right to elect to make no contribution or to  
21 change the contribution rate under the program;

22 (ii) Making an investment election with respect to the covered  
23 employee's IRA established under the program, including a description  
24 of the default investment fund; and

25 (iii) Making transfers, rollovers, withdrawals including  
26 instructions on how to access funds, and other distributions from the  
27 covered employee's IRA.

28 (13) The governing board must evaluate options to assist covered  
29 employees and employers to identify private sector providers of  
30 financial advice, to the extent feasible and unless prohibited by  
31 state or federal laws. The governing board must consider options  
32 including, but not limited to, a website established and maintained  
33 by the governing board.

34 (14) The governing board may create or enter into, on behalf of  
35 the program, a consortium, alliance, joint venture, partnership,  
36 compact, or contract with another state or states or their programs  
37 or boards.

38 (15) The governing board must collect administrative fees to  
39 defray the costs of administering the program. If the governing board  
40 creates or enters into a joint program agreement, as provided in

1 subsection (14) of this section, the rate of the administrative fee  
2 for covered employees may not exceed the rate charged to covered  
3 employees of another state participating in the same program.

4 (16) Members of the governing board and the office are not an  
5 insurer of the funds or assets of the investment fund or individual  
6 accounts. Neither of these two entities are liable for the action or  
7 inaction of the other.

8 (17) Members of the governing board and the office are not liable  
9 to the state, to the fund, or to any other person as a result of  
10 their activities as members, whether ministerial or discretionary,  
11 except for willful dishonesty or intentional violation of law.  
12 Members of the governing board and the office may purchase liability  
13 insurance.

14 (18) The governing board shall submit an annual report to the  
15 appropriate committees of the legislature, in accordance with RCW  
16 43.01.036, providing information about the program including, but not  
17 limited to, the following:

- 18 (a) Participation;
- 19 (b) Account performance;
- 20 (c) Board decisions; and
- 21 (d) Any recommendations to the legislature regarding the program.

22 (19) The governing board may consult with the state investment  
23 board and the department of financial institutions regarding program  
24 design and implementation.

25 (20) The governing board shall assure any administrative contract  
26 services for the program provide culturally responsive and relevant  
27 supports rooted in cultural humility while including special  
28 considerations for socially vulnerable communities historically, or  
29 are known to often be, excluded from, marginalized by, or face  
30 barriers to participation in workplace retirement savings programs.

31 NEW SECTION. **Sec. 5.** OFFICE OF THE STATE TREASURER—  
32 RESPONSIBILITIES. (1) Subject to the availability of amounts  
33 appropriated for this specific purpose, the office must provide staff  
34 and administrative support for the governing board. The office must  
35 consult with the governing board regarding staffing and  
36 administrative support needs before selecting any staff pursuant to  
37 this section.

1 (2) The office may initiate and manage all procurement and  
2 regulatory processes related to the program and carry out other  
3 related functions as delegated by the governing board.

4 NEW SECTION. **Sec. 6.** INVESTMENT MANAGER—RESPONSIBILITIES.

5 (1)(a) After consultation with the governing board, the investment  
6 manager may invest funds associated with the program. The investment  
7 manager, after consultation with the governing board regarding any  
8 recommendations, must provide a set of options for eligible  
9 individuals to choose from for self-directed investment. Any self-  
10 directed investment options must comply with the internal revenue  
11 code.

12 (b) All investment and operating costs of the investment manager  
13 associated with making self-directed investments must be paid by  
14 participants and recovered under procedures agreed to by the  
15 governing board and the investment manager. All other expenses caused  
16 by self-directed investments must be paid by the participant in  
17 accordance with the rules established by the governing board. With  
18 the exception of these expenses, all earnings from self-directed  
19 investments accrue to the individual accounts.

20 (2) The investment manager must invest and manage the assets  
21 entrusted to it:

22 (a) With reasonable care, skill, prudence, and diligence under  
23 circumstances then prevailing which a prudent person acting in a like  
24 capacity and familiar with such matters would use to conduct of an  
25 activity of like character and purpose; and

26 (b) In accordance with the investment policy established by the  
27 governing board.

28 (3) The authority to establish all policies relating to  
29 implementation, design, and management of the program resides with  
30 the governing board.

31 (4) The investment manager must routinely consult and communicate  
32 with the governing board on the investment policy, performance of the  
33 accounts, and related needs of the program.

34 NEW SECTION. **Sec. 7.** LABOR AND INDUSTRIES—RESPONSIBILITIES. (1)

35 The department has the following responsibilities related to covered  
36 employers, as provided in this chapter:

37 (a) Educate participating employers of their administrative  
38 duties under this chapter;

1 (b) In the case of noncompliance with employer administrative  
2 duties, investigate complaints, educate employers about how to come  
3 into compliance, and, in the case of willful violations, issue  
4 citations and collect penalties;

5 (c) In the case of impermissible withholding of amounts due to  
6 employees, investigate and enforce the complaint as an alleged  
7 violation of a wage payment requirement, as defined in RCW 49.48.082;  
8 and

9 (d) Facilitate a process in which employers may appeal  
10 complaints.

11 (2) Collections of unpaid citations assessing civil penalties by  
12 the department under this chapter must be made pursuant to RCW  
13 49.48.086.

14 NEW SECTION. **Sec. 8.** LABOR AND INDUSTRIES—COMPLIANCE WITH  
15 EMPLOYER ADMINISTRATIVE DUTIES. (1) Covered employers shall comply  
16 with employer administrative duties provided under this chapter.

17 (2) If a complainant files a complaint with the department  
18 alleging any administrative violation, the department shall  
19 investigate the complaint and:

20 (a) If the complaint is filed before January 1, 2030, offer  
21 technical assistance to the employer to bring them into compliance.  
22 Civil penalties may not be assessed before January 1, 2030;

23 (b) If the complaint is filed on or after January 1, 2030,  
24 educate the employer on how to come into compliance and, if necessary  
25 and as provided in this section, enforce penalties for willful  
26 violations.

27 (3) The department may not investigate any alleged violation of  
28 rights that occurred more than three years before the date that the  
29 complainant filed the complaint.

30 (4) (a) If the department finds an employer administrative  
31 violation, the department must first provide an educational letter  
32 outlining the violations and provide 90 days for the employer to  
33 remedy the violations. The employer may ask for an extension for good  
34 cause. The department may extend the period by providing written  
35 notice to the employee and the employer, specifying the duration of  
36 the extension. If the employer fails to remedy the violation within  
37 90 days, the department may issue a citation and notice of assessment  
38 with a civil penalty.

1 (b) Except as provided otherwise in this chapter, the maximum  
2 penalty for a first-time willful violation is \$100 and \$250 for a  
3 second willful violation. For the purposes of this section, "willful"  
4 means a knowing and intentional action that is neither accidental nor  
5 the result of a bona fide dispute. For each subsequent willful  
6 violation, the employer is subject to a maximum penalty amount of  
7 \$500 for each violation.

8 (c) The department may not assess a civil penalty if the employer  
9 reasonably relied on: (i) A rule related to any of the requirements  
10 of this chapter; (ii) a written order, ruling, approval, opinion,  
11 advice, determination, or interpretation of the director of the  
12 department; or (iii) an interpretive or administrative policy issued  
13 by the department and filed pursuant to chapter 34.05 RCW. In  
14 accordance with the department's retention schedule obligations under  
15 chapter 40.14 RCW, the department shall maintain a complete and  
16 accurate record of all written orders, rulings, approvals, opinions,  
17 advice, determinations, and interpretations for purposes of  
18 determining whether an employer is immune from civil penalties under  
19 (b) of this subsection.

20 (5) The department may, at any time, waive or reduce a civil  
21 penalty assessed under this section if the director of the department  
22 determines that the employer has taken corrective action to resolve  
23 the violation.

24 (6) The department shall deposit all civil penalties paid under  
25 this section in the supplemental pension fund established under RCW  
26 51.44.033.

27 NEW SECTION. **Sec. 9.** LABOR AND INDUSTRIES—ADMINISTRATIVE  
28 CITATION APPEALS. (1) A person, firm, or corporation aggrieved by a  
29 citation and notice of assessment by the department under this  
30 chapter may appeal the citation and notice of assessment to the  
31 director of the department by filing a notice of appeal with the  
32 director within 30 days of the department's issuance of the citation  
33 and notice of assessment. A citation and notice of assessment not  
34 appealed within 30 days is final and binding, and not subject to  
35 further appeal.

36 (2) A notice of appeal filed with the director of the department  
37 under this section must state the effectiveness of the citation and  
38 notice of assessment pending final review of the appeal by the  
39 director as provided for in chapter 34.05 RCW.

1 (3) Upon receipt of a notice of appeal, the director of the  
2 department must assign the hearing to an administrative law judge of  
3 the office of administrative hearings to conduct the hearing and  
4 issue an initial order. The hearing and review procedures must be  
5 conducted in accordance with chapter 34.05 RCW, and the standard of  
6 review by the administrative law judge of an appealed citation and  
7 notice of assessment must be de novo. Any party who seeks to  
8 challenge an initial order must file a petition for administrative  
9 review with the director within 30 days after service of the initial  
10 order. The director must conduct administrative review in accordance  
11 with chapter 34.05 RCW.

12 (4) The director of the department must issue all final orders  
13 after appeal of the initial order. The final order of the director is  
14 subject to judicial review in accordance with chapter 34.05 RCW.

15 (5) Orders that are not appealed within the time period specified  
16 in this section and chapter 34.05 RCW are final and binding, and not  
17 subject to further appeal.

18 (6) An employer who fails to allow adequate inspection of records  
19 in an investigation by the department under this section within a  
20 reasonable time period may not use such records in any appeal under  
21 this section to challenge the correctness of any determination by the  
22 department of the penalty assessed.

23 NEW SECTION. **Sec. 10.** LABOR AND INDUSTRIES—ENFORCEMENT OF  
24 AMOUNTS DUE. (1) Employers may not impermissibly withhold any amounts  
25 due to the employee related to the employer's obligations under  
26 section 3 of this act. If any employee files a complaint with the  
27 department alleging that the employer impermissibly withheld any  
28 amounts due to the employee related to the employer's obligations  
29 under section 3 of this act, the department shall investigate and  
30 otherwise enforce the complaint as an alleged violation of a wage  
31 payment requirement, as defined in RCW 49.48.082.

32 (2) During an investigation, if the department discovers  
33 information suggesting additional violations of impermissibly  
34 withheld amounts due to the employees related to the employer's  
35 obligations under section 3 of this act, the department may  
36 investigate and take appropriate enforcement action without any  
37 additional complaint. The department may also initiate an  
38 investigation on behalf of one or more employees for any such

1 violation when the director otherwise has reason to believe that a  
2 violation has occurred or will occur.

3 (3) The department may conduct a consolidated investigation for  
4 any alleged withheld amounts due to the employees related to the  
5 employer's obligations under section 3 of this act when there are  
6 common questions of law or fact involving the employees. If the  
7 department consolidates such matters into a single investigation, it  
8 shall provide notice to the employer.

9 (4) The department may, for the purposes of enforcing this  
10 section, issue subpoenas to compel the attendance of witnesses or  
11 parties and the production of documents, administer oaths and examine  
12 witnesses under oath, take depositions, and seek affidavits or other  
13 verifications. The department may require the employer perform a  
14 self-audit of any records. The results or conclusions of the self-  
15 audit must be provided to the department within a reasonable time.  
16 The department must specify the timelines in the self-audit request.  
17 The records examined by the employer in order to perform the self-  
18 audit must be made available to the department upon request.

19 (5) Any citation or determination of compliance issued under this  
20 section is subject to RCW 49.48.083, 49.48.084, 49.48.085, and  
21 49.48.086.

22 NEW SECTION. **Sec. 11.** PRIVATE AND CONFIDENTIAL INFORMATION. (1)

23 Any information or records concerning an individual or employer  
24 obtained by the office or the governing board to administer this  
25 chapter are private and confidential, except as otherwise provided in  
26 this section.

27 (a) If information provided to the office or the governing board  
28 by a governmental agency is held private and confidential by state or  
29 federal law, the office and the governing board may not release such  
30 information, unless otherwise provided in this section.

31 (b) Information provided to the office or the governing board by  
32 a governmental entity conditioned upon privacy and confidentiality  
33 under a provision of law is to be held private and confidential  
34 according to the agreement between the office or the governing board  
35 and the other governmental agency, unless otherwise provided in this  
36 title.

37 (2) Persons requesting disclosure of information held by the  
38 office or the governing board under this section must request such  
39 disclosure from the governmental agency that provided the information

1 to the office or the governing board, rather than from the office or  
2 the governing board.

3 (3) If the governing board creates or enters into, on behalf of  
4 the program, a consortium, alliance, joint venture, partnership,  
5 compact, or contract with another state or states or their programs  
6 or boards, the laws of the state that is most protective of  
7 individual and employer confidentiality governs.

8 (4) The governing board has the authority to adopt, amend, or  
9 rescind rules interpreting and implementing this chapter.

10 (5)(a) An individual must have access to all records and  
11 information concerning that individual held by the office or the  
12 governing board.

13 (b) An employer must have access to its own records relating to  
14 their compliance with the program and any audit conducted or penalty  
15 assessed under this chapter.

16 (c) The office or the governing board may disclose information  
17 and records deemed confidential under this chapter to a third party  
18 acting on behalf of an individual or employer that would otherwise be  
19 eligible to receive records under this section when the office or the  
20 governing board receives a signed release from the individual or  
21 employer. The release must include a statement:

22 (i) Specifically identifying the information that is to be  
23 disclosed;

24 (ii) The acknowledgment that state government files will be  
25 assessed to obtain that information;

26 (iii) The specific purpose for which the information is sought  
27 and a statement that information obtained under the release will only  
28 be used for that purpose; and

29 (iv) Indicating all parties who will receive the information  
30 disclosed.

31 (d) The office or the governing board may disclose information or  
32 records deemed private and confidential under this chapter to any  
33 private person or organization, including the trustee, and, by  
34 extension, the agents of any private person or organization, when the  
35 disclosure is necessary to permit private contracting parties to  
36 assist in the operation, management, and implementation of the  
37 program. The private person or organization may only use the  
38 information or records solely for the purpose for which the  
39 information was disclosed and are bound by the same rules of privacy  
40 and confidentiality as the office and the governing board.



1 (6) (a) A decision under this chapter by the office, the  
2 department, the governing board, or the appeals tribunal may not be  
3 deemed private and confidential under this section, unless the  
4 decision is based on information obtained in a closed hearing.

5 (b) Information or records deemed private and confidential under  
6 this section must be available to parties to judicial or formal  
7 administrative proceedings only upon a written finding by the  
8 presiding officer that the need for the information or records in the  
9 proceeding outweighs any reasons for the privacy and confidentiality  
10 of the information on record.

11 (7) (a) All private persons, governmental agencies, and  
12 organizations authorized to receive information from the office or  
13 the governing board under this chapter have an affirmative duty to  
14 prevent unauthorized disclosure of confidential information and are  
15 prohibited from disclosing confidential information unless expressly  
16 permitted by this section.

17 (b) If misuse of an unauthorized disclosure of confidential  
18 records or information occurs, all parties who are aware of the  
19 violation must inform the office immediately and must take all  
20 reasonable available actions to rectify the disclosure to the  
21 office's standards.

22 (c) The misuse or unauthorized release of records or information  
23 deemed private and confidential under this chapter by any private  
24 person, governmental agency, or organization will subject the person,  
25 governmental agency, or organization to a civil penalty up to \$20,000  
26 in the first year of the program. Beginning the December of the  
27 second year of the program and each December thereafter, the office  
28 must adjust the maximum civil penalty amount by multiplying the  
29 current maximum civil penalty by one plus the percentage by which the  
30 most current consumer price index available on December 1st of the  
31 current year exceeds the consumer price index for the prior 12-month  
32 period, and rounding the result to the nearest \$1,000. If an  
33 adjustment under this subsection (7) (c) would reduce the maximum  
34 civil penalty, the office must not adjust the maximum civil penalty  
35 for use in the following year. Other applicable sanctions under state  
36 and federal law also apply.

37 (d) Suit to enforce this section must be brought by the attorney  
38 general and the amount of any penalties collected must be paid into  
39 the administrative account created in section 12 of this act. The

1 attorney general may recover reasonable attorneys' fees for any  
2 action brought to enforce this section.

3 (8) This section does not contain a rule of evidence.

4 NEW SECTION. **Sec. 12.** WASHINGTON SAVES ADMINISTRATIVE TREASURY  
5 TRUST ACCOUNT. (1) The Washington saves administrative treasury trust  
6 account is created in the custody of the state treasurer.

7 (2) Expenditures from the account may be used only for the  
8 purposes of administrative and operating expenses of the program  
9 established under this chapter.

10 (3) Only the state treasurer or state treasurer's designee may  
11 authorize expenditures from the account. The account is exempt from  
12 appropriation and allotment provisions under chapter 43.88 RCW.

13 (4) The account may receive grants, gifts, or other moneys  
14 appropriated for administrative purposes from the state and the  
15 federal government.

16 (5) Any interest incurred by the account will be retained within  
17 the account.

18 NEW SECTION. **Sec. 13.** INVESTMENT ACCOUNT. (1) The Washington  
19 saves investment account is established as a trust, with the  
20 governing board created under this chapter as its trustee.

21 (2)(a) Moneys in the account consist of moneys received from  
22 individual participants and participating employers pursuant to  
23 automatic payroll deductions and contributions to savings made under  
24 this chapter. The governing board shall determine how the account  
25 operates, provided that the account is operated so that the  
26 individual accounts established under the program meet the  
27 requirements for IRAs under the internal revenue code.

28 (b) The assets of the account are not state money, common cash,  
29 or revenue to the state. Amounts in the account may not be commingled  
30 with state funds and the state has no claim to or against, or  
31 interest in, such funds.

32 (3) Disbursements from the account are exempt from appropriations  
33 and the allotment provisions of chapter 43.88 RCW. An appropriation  
34 is not required for expenditures.

35 (4) Only the governing board or the governing board's designee  
36 may authorize expenditures from the account.

37 **PART II**

1 **RETIREMENT MARKETPLACE**

2 NEW SECTION. **Sec. 14.** RCW 43.330.730 (Finding—2015 c 296) is  
3 decodified.

4 **Sec. 15.** RCW 43.330.732 and 2015 c 296 s 2 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this subchapter  
7 unless the context clearly requires otherwise.

8 (1) "Approved plans" means retirement plans offered by private  
9 sector financial services firms that meet the requirements of this  
10 chapter to participate in the marketplace.

11 (2) "Balanced fund" means a mutual fund that has an investment  
12 mandate to balance its portfolio holdings. The fund generally  
13 includes a mix of stocks and bonds in varying proportions according  
14 to the fund's investment outlook.

15 (3) "Eligible employer" means a self-employed individual, sole  
16 proprietor, or an employer with ~~((fewer than))~~ at least one  
17 ~~((hundred))~~ qualified employee~~((s))~~ at the time of enrollment.

18 (4) "Enrollee" means any employee who is voluntarily enrolled in  
19 an approved plan offered by an eligible employer through the  
20 Washington small business retirement marketplace.

21 ~~((5))~~ ~~("myRA" means the myRA retirement program administered by~~  
22 ~~the United States department of the treasury that is available to all~~  
23 ~~employers and employees with no fees or no minimum contribution~~  
24 ~~requirements. A myRA is a Roth IRA option and investments in these~~  
25 ~~accounts are backed by the United States department of the treasury.~~

26 ~~((6))~~ "Participating employer" means any eligible employer with  
27 employees enrolled in an approved plan offered through the Washington  
28 small business retirement marketplace who chooses to participate in  
29 the marketplace and offers approved plans to employees for voluntary  
30 enrollment.

31 ~~((7))~~ (6) "Private sector financial services firms" or  
32 "financial services firms" mean persons or entities licensed or  
33 holding a certificate of authority and in good standing by either the  
34 department of financial institutions or the office of the insurance  
35 commissioner and meeting all federal laws and regulations to offer  
36 retirement plans.

1       ~~((8))~~ (7) "Qualified employee" means those workers who are  
2 defined by the federal internal revenue service to be eligible to  
3 participate in a specific qualified plan.

4       ~~((9))~~ (8) "Target date or other similar fund" means a hybrid  
5 mutual fund that automatically resets the asset mix of stocks, bonds,  
6 and cash equivalents in its portfolio according to a selected time  
7 frame that is appropriate for a particular investor. A target date is  
8 structured to address a projected retirement date.

9       ~~((10))~~ (9) "Washington small business retirement marketplace"  
10 or "marketplace" means the retirement savings program created to  
11 connect eligible employers and their employees with approved plans to  
12 increase retirement savings.

13       **Sec. 16.** RCW 43.330.735 and 2017 c 69 s 1 are each amended to  
14 read as follows:

15       (1) The Washington small business retirement marketplace is  
16 created.

17       (2) Prior to connecting any eligible employer with an approved  
18 plan in the marketplace, the director shall design a plan for the  
19 operation of the marketplace.

20       (3) The director shall consult with the Washington state  
21 department of retirement systems, the Washington state investment  
22 board, and the department of financial institutions in designing and  
23 managing the marketplace.

24       (4) The director shall approve for participation in the  
25 marketplace all private sector financial services firms (~~that meet~~  
26 ~~the requirements of~~), as defined in RCW 43.330.732~~((7))~~.

27       (5) A range of investment options must be provided to meet the  
28 needs of investors with various levels of risk tolerance and various  
29 ages. The director must approve a diverse array of private retirement  
30 plan options that are available to employers on a voluntary basis,  
31 including but not limited to life insurance plans that are designed  
32 for retirement purposes, and plans for eligible employer  
33 participation such as ~~((a) A)~~ a SIMPLE IRA-type plan that provides  
34 for employer contributions to participating enrollee accounts~~((and~~  
35 ~~(b) a payroll deduction individual retirement account type plan or~~  
36 ~~workplace-based individual retirement accounts open to all workers in~~  
37 ~~which the employer does not contribute to the employees' account))~~.

38       (6) (a) Prior to approving a plan to be offered on the  
39 marketplace, the department must receive verification from the

1 department of financial institutions or the office of the insurance  
2 commissioner:

3 (i) That the private sector financial services firm offering the  
4 plan meets the (~~requirements of~~) definition in RCW  
5 43.330.732(~~(7)~~); and

6 (ii) That the plan meets the requirements of this section  
7 excluding subsection (9) of this section which is subject to federal  
8 laws and regulations.

9 (b) If the plan includes either life insurance or annuity  
10 products, or both, the office of the insurance commissioner may  
11 request that the department of financial institutions conduct the  
12 plan review as provided in (a)(ii) of this subsection prior to  
13 submitting its verification to the department.

14 (c) The director may remove approved plans that no longer meet  
15 the requirements of this chapter.

16 (7) The financial services firms participating in the marketplace  
17 must offer a minimum of two product options: (a) A target date or  
18 other similar fund, with asset allocations and maturities designed to  
19 coincide with the expected date of retirement and (b) a balanced  
20 fund. (~~The marketplace must offer myRA.~~)

21 (8) In order for the marketplace to operate, there must be at  
22 least two approved plans on the marketplace; however, nothing in this  
23 subsection shall be construed to limit the number of private sector  
24 financial services firms with approved plans from participating in  
25 the marketplace.

26 (9) Approved plans must meet federal law or regulation for  
27 internal revenue service approved retirement plans.

28 (10) The approved plans must include the option for enrollees to  
29 roll pretax contributions into a different individual retirement  
30 account or another eligible retirement plan after ceasing  
31 participation in a plan approved by the Washington small business  
32 retirement marketplace.

33 (11) Financial services firms selected by the department to offer  
34 approved plans on the marketplace may not charge the participating  
35 employer an administrative fee and may not charge enrollees more than  
36 one hundred basis points in total annual fees and must provide  
37 information about their product's historical investment performance.  
38 Financial services firms may charge enrollees a de minimis fee for  
39 new and/or low balance accounts in amounts negotiated and agreed upon  
40 by the department and financial services firms. The director shall

1 limit plans to those with total fees the director considers  
2 reasonable based on all the facts and circumstances.

3 (12) Participation in the Washington small business retirement  
4 marketplace is voluntary for both eligible employers and qualified  
5 employees.

6 (13) Enrollment in any approved plan offered in the marketplace  
7 is not an entitlement.

8 **PART III**

9 **WASHINGTON SAVES - ADMINISTRATIVE ACCOUNT - RETAIN OWN INTEREST**

10 **Sec. 17.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023  
11 c 380 s 6, 2023 c 213 s 9, 2023 c 170 s 19, and 2023 c 12 s 2 are  
12 each reenacted and amended to read as follows:

13 (1) Money in the treasurer's trust fund may be deposited,  
14 invested, and reinvested by the state treasurer in accordance with  
15 RCW 43.84.080 in the same manner and to the same extent as if the  
16 money were in the state treasury, and may be commingled with moneys  
17 in the state treasury for cash management and cash balance purposes.

18 (2) All income received from investment of the treasurer's trust  
19 fund must be set aside in an account in the treasury trust fund to be  
20 known as the investment income account.

21 (3) The investment income account may be utilized for the payment  
22 of purchased banking services on behalf of treasurer's trust funds  
23 including, but not limited to, depository, safekeeping, and  
24 disbursement functions for the state treasurer or affected state  
25 agencies. The investment income account is subject in all respects to  
26 chapter 43.88 RCW, but no appropriation is required for payments to  
27 financial institutions. Payments must occur prior to distribution of  
28 earnings set forth in subsection (4) of this section.

29 (4)(a) Monthly, the state treasurer must distribute the earnings  
30 credited to the investment income account to the state general fund  
31 except under (b), (c), and (d) of this subsection.

32 (b) The following accounts and funds must receive their  
33 proportionate share of earnings based upon each account's or fund's  
34 average daily balance for the period: The 24/7 sobriety account, the  
35 Washington promise scholarship account, the Gina Grant Bull memorial  
36 legislative page scholarship account, the Rosa Franklin legislative  
37 internship program scholarship account, the Washington advanced  
38 college tuition payment program account, the Washington college

1 savings program account, the accessible communities account, the  
2 Washington achieving a better life experience program account, the  
3 Washington career and college pathways innovation challenge program  
4 account, the community and technical college innovation account, the  
5 agricultural local fund, the American Indian scholarship endowment  
6 fund, the behavioral health loan repayment program account, the Billy  
7 Frank Jr. national statutory hall collection fund, the foster care  
8 scholarship endowment fund, the foster care endowed scholarship trust  
9 fund, the contract harvesting revolving account, the Washington state  
10 combined fund drive account, the commemorative works account, the  
11 county 911 excise tax account, the county road administration board  
12 emergency loan account, the toll collection account, the  
13 developmental disabilities endowment trust fund, the energy account,  
14 the energy facility site evaluation council account, the fair fund,  
15 the family and medical leave insurance account, the fish and wildlife  
16 federal lands revolving account, the natural resources federal lands  
17 revolving account, the food animal veterinarian conditional  
18 scholarship account, the forest health revolving account, the fruit  
19 and vegetable inspection account, the educator conditional  
20 scholarship account, the game farm alternative account, the GET ready  
21 for math and science scholarship account, the Washington global  
22 health technologies and product development account, the grain  
23 inspection revolving fund, the Washington history day account, the  
24 industrial insurance rainy day fund, the juvenile accountability  
25 incentive account, the law enforcement officers' and firefighters'  
26 plan 2 expense fund, the local tourism promotion account, the low-  
27 income home rehabilitation account, the medication for people living  
28 with HIV rebate revenue account, the homeowner recovery account, the  
29 multiagency permitting team account, the northeast Washington wolf-  
30 livestock management account, the pollution liability insurance  
31 program trust account, the produce railcar pool account, the public  
32 use general aviation airport loan revolving account, the regional  
33 transportation investment district account, the rural rehabilitation  
34 account, the Washington sexual assault kit account, the stadium and  
35 exhibition center account, the youth athletic facility account, the  
36 self-insurance revolving fund, the children's trust fund, the  
37 Washington horse racing commission Washington bred owners' bonus fund  
38 and breeder awards account, the Washington horse racing commission  
39 class C purse fund account, the individual development account  
40 program account, the Washington horse racing commission operating

1 account, the life sciences discovery fund, the Washington state  
2 library-archives building account, the reduced cigarette ignition  
3 propensity account, the center for deaf and hard of hearing youth  
4 account, the school for the blind account, the Millersylvania park  
5 trust fund, the public employees' and retirees' insurance reserve  
6 fund, the school employees' benefits board insurance reserve fund,  
7 the public employees' and retirees' insurance account, the school  
8 employees' insurance account, the long-term services and supports  
9 trust account, the radiation perpetual maintenance fund, the Indian  
10 health improvement reinvestment account, the department of licensing  
11 tuition recovery trust fund, the student achievement council tuition  
12 recovery trust fund, the tuition recovery trust fund, the industrial  
13 insurance premium refund account, the mobile home park relocation  
14 fund, the natural resources deposit fund, the Washington state health  
15 insurance pool account, the federal forest revolving account, the  
16 Washington saves administrative treasury trust account, and the  
17 library operations account.

18 (c) The following accounts and funds must receive 80 percent of  
19 their proportionate share of earnings based upon each account's or  
20 fund's average daily balance for the period: The advance right-of-way  
21 revolving fund, the advanced environmental mitigation revolving  
22 account, the federal narcotics asset forfeitures account, the high  
23 occupancy vehicle account, the local rail service assistance account,  
24 and the miscellaneous transportation programs account.

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

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

35 **Sec. 18.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023  
36 c 380 s 6, 2023 c 213 s 9, and 2023 c 12 s 2 are each reenacted and  
37 amended to read as follows:

38 (1) Money in the treasurer's trust fund may be deposited,  
39 invested, and reinvested by the state treasurer in accordance with



1 RCW 43.84.080 in the same manner and to the same extent as if the  
2 money were in the state treasury, and may be commingled with moneys  
3 in the state treasury for cash management and cash balance purposes.

4 (2) All income received from investment of the treasurer's trust  
5 fund must be set aside in an account in the treasury trust fund to be  
6 known as the investment income account.

7 (3) The investment income account may be utilized for the payment  
8 of purchased banking services on behalf of treasurer's trust funds  
9 including, but not limited to, depository, safekeeping, and  
10 disbursement functions for the state treasurer or affected state  
11 agencies. The investment income account is subject in all respects to  
12 chapter 43.88 RCW, but no appropriation is required for payments to  
13 financial institutions. Payments must occur prior to distribution of  
14 earnings set forth in subsection (4) of this section.

15 (4)(a) Monthly, the state treasurer must distribute the earnings  
16 credited to the investment income account to the state general fund  
17 except under (b), (c), and (d) of this subsection.

18 (b) The following accounts and funds must receive their  
19 proportionate share of earnings based upon each account's or fund's  
20 average daily balance for the period: The 24/7 sobriety account, the  
21 Washington promise scholarship account, the Gina Grant Bull memorial  
22 legislative page scholarship account, the Rosa Franklin legislative  
23 internship program scholarship account, the Washington advanced  
24 college tuition payment program account, the Washington college  
25 savings program account, the accessible communities account, the  
26 Washington achieving a better life experience program account, the  
27 Washington career and college pathways innovation challenge program  
28 account, the community and technical college innovation account, the  
29 agricultural local fund, the American Indian scholarship endowment  
30 fund, the behavioral health loan repayment program account, the Billy  
31 Frank Jr. national statutory hall collection fund, the foster care  
32 scholarship endowment fund, the foster care endowed scholarship trust  
33 fund, the contract harvesting revolving account, the Washington state  
34 combined fund drive account, the commemorative works account, the  
35 county 911 excise tax account, the county road administration board  
36 emergency loan account, the toll collection account, the  
37 developmental disabilities endowment trust fund, the energy account,  
38 the energy facility site evaluation council account, the fair fund,  
39 the family and medical leave insurance account, the fish and wildlife  
40 federal lands revolving account, the natural resources federal lands

1 revolving account, the food animal veterinarian conditional  
2 scholarship account, the forest health revolving account, the fruit  
3 and vegetable inspection account, the educator conditional  
4 scholarship account, the game farm alternative account, the GET ready  
5 for math and science scholarship account, the Washington global  
6 health technologies and product development account, the grain  
7 inspection revolving fund, the Washington history day account, the  
8 industrial insurance rainy day fund, the juvenile accountability  
9 incentive account, the law enforcement officers' and firefighters'  
10 plan 2 expense fund, the local tourism promotion account, the low-  
11 income home rehabilitation account, the medication for people living  
12 with HIV rebate revenue account, the homeowner recovery account, the  
13 multiagency permitting team account, the northeast Washington wolf-  
14 livestock management account, the produce railcar pool account, the  
15 public use general aviation airport loan revolving account, the  
16 regional transportation investment district account, the rural  
17 rehabilitation account, the Washington sexual assault kit account,  
18 the stadium and exhibition center account, the youth athletic  
19 facility account, the self-insurance revolving fund, the children's  
20 trust fund, the Washington horse racing commission Washington bred  
21 owners' bonus fund and breeder awards account, the Washington horse  
22 racing commission class C purse fund account, the individual  
23 development account program account, the Washington horse racing  
24 commission operating account, the life sciences discovery fund, the  
25 Washington state library-archives building account, the reduced  
26 cigarette ignition propensity account, the center for deaf and hard  
27 of hearing youth account, the school for the blind account, the  
28 Millersylvania park trust fund, the public employees' and retirees'  
29 insurance reserve fund, the school employees' benefits board  
30 insurance reserve fund, the public employees' and retirees' insurance  
31 account, the school employees' insurance account, the long-term  
32 services and supports trust account, the radiation perpetual  
33 maintenance fund, the Indian health improvement reinvestment account,  
34 the department of licensing tuition recovery trust fund, the student  
35 achievement council tuition recovery trust fund, the tuition recovery  
36 trust fund, the industrial insurance premium refund account, the  
37 mobile home park relocation fund, the natural resources deposit fund,  
38 the Washington state health insurance pool account, the federal  
39 forest revolving account, the Washington saves administrative  
40 treasury trust account, and the library operations account.

1 (c) The following accounts and funds must receive 80 percent of  
2 their proportionate share of earnings based upon each account's or  
3 fund's average daily balance for the period: The advance right-of-way  
4 revolving fund, the advanced environmental mitigation revolving  
5 account, the federal narcotics asset forfeitures account, the high  
6 occupancy vehicle account, the local rail service assistance account,  
7 and the miscellaneous transportation programs account.

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

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

18 **PART IV**  
19 **MISCELLANEOUS**

20 NEW SECTION. **Sec. 19.** Section 17 of this act expires July 1,  
21 2030.

22 NEW SECTION. **Sec. 20.** (1) Section 17 of this act takes effect  
23 July 1, 2024.

24 (2) Section 18 of this act takes effect July 1, 2030.

25 NEW SECTION. **Sec. 21.** Sections 1 through 13 of this act  
26 constitute a new chapter in Title 19 RCW.

27 NEW SECTION. **Sec. 22.** If any part of this act is found to be in  
28 conflict with federal requirements that are a prescribed condition to  
29 the allocation of federal funds to the state or the eligibility of  
30 employers in this state for federal unemployment tax credits, the  
31 conflicting part of this act is inoperative solely to the extent of  
32 the conflict, and the finding or determination does not affect the  
33 operation of the remainder of this act. Rules adopted under this act  
34 must meet federal requirements that are a necessary condition to the

1 receipt of federal funds by the state or the granting of federal  
2 unemployment tax credits to employers in this state."

3 Correct the title.

EFFECT: • Clarifies that the governing board is the entity responsible for developing program information and disclosures, and that covered employers are only responsible for distributing program information and disclosures to employees.

• Specifies that the governing board must design the Washington Saves program so that in addition to other elements, an employer that is not considered a covered employer has no reporting or registration obligation or requirement to take any action under the program other than to claim an exemption from coverage.

• Permits covered employers to automatically enroll covered employees, unless the employee opts out, in a qualified retirement plan offered by a trade association or chamber of commerce in lieu of the individual retirement account established by the Washington Saves program.

• Requires the governing board to evaluate options to assist covered employees and covered employers to identify private sector financial advisors, to the extent feasible and permitted by law, including a website established and maintained by the governing board.

• Clarifies that information, forms, and instructions furnished to employees include instructions on how to access funds.

• Specifies that the governing board must begin meeting four times annually beginning in 2025.

• Specifies that the program be designed and operated to maximize the availability of funds to individual participants with a goal of having funds available within three business days following the remittance of payroll deductions by covered employers, if feasible.

• Requires the governing board to include culturally relevant and responsive approaches centered in cultural humility with outreach to employers that are considered socially vulnerable, historically marginalized, or face cultural or language barriers to participate in workplace retirement savings programs when developing a strategy to educate and inform covered employers about their administrative duties under the program.

• Specifies that outreach, marketing, and educational initiatives regarding the Washington Saves program must promote cultural humility and engage culturally relevant and responsive approaches while including consideration for socially vulnerable communities historically excluded from, marginalized by, or face barriers to participation in workplace retirement savings programs.

• Requires the governing board to assure any administrative contract services for the program provide culturally responsive and relevant supports rooted in cultural humility while including special considerations for socially vulnerable communities historically, or are known to often be, excluded from, marginalized by, or face barriers to participation in workplace retirement savings programs.

--- END ---