
SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1362

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 02/03/23.

1 AN ACT Relating to improving government efficiency related to
2 reports by state agencies by eliminating reports, changing the
3 frequency of reports, and providing an alternative method for having
4 information publicly available in place of reports; amending RCW
5 28A.180.020, 28A.230.150, 28A.300.476, 28A.300.615, 28A.655.090,
6 28A.655.260, 43.43.545, 43.63A.510, 43.280.100, 48.43.0128,
7 61.24.163, 70A.420.050, 72.09.620, 77.135.090, 28A.230.095,
8 28A.300.530, 28A.305.035, 28A.305.130, 28A.410.210, 28A.320.196,
9 28B.77.220, 43.21A.150, 43.60A.240, 43.61.040, 43.63A.068,
10 43.105.369, 47.01.330, 54.16.425, 72.09.765, 77.32.555, 82.14.470,
11 and 82.32.765; creating a new section; and repealing RCW 13.32A.045,
12 19.02.055, 19.280.060, 43.31.980, and 62A.9A-527.

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

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

1 addition, preparing reports is time consuming, and there may be
2 better, more efficient mechanisms for sharing information with
3 legislators as well as the public, such as posting the information on
4 agency websites. Finally, some reports are required on a more
5 frequent basis than is necessary, as the information does not change
6 to an extent that merits the increased frequency.

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

13 **PART I**
14 **MODIFICATIONS TO REPORTS**

15 **Sec. 2.** RCW 28A.180.020 and 2017 c 123 s 1 are each amended to
16 read as follows:

17 The superintendent of public instruction shall review annually
18 the transitional bilingual instruction program and shall submit a
19 report of such review to the legislature on or before (~~February~~)
20 March 1st of each year.

21 **Sec. 3.** RCW 28A.230.150 and 2018 c 109 s 3 are each amended to
22 read as follows:

23 (1) On January 16th of each year or the preceding Friday when
24 January 16th falls on a nonschool day, there shall be observed within
25 each public school "Temperance and Good Citizenship Day." Annually
26 the state superintendent of public instruction shall duly prepare and
27 publish for circulation among the teachers of the state a program for
28 use on such day embodying topics pertinent thereto and may from year
29 to year designate particular laws for special observance.

30 (2) Each year on "Temperance and Good Citizenship Day," social
31 studies teachers must, as resources allow, coordinate a voter
32 registration event in each history or social studies class attended
33 by high school seniors. This event is part of the future voter
34 program. Teachers must make voter sign up and registration available
35 to all students.

36 (3) County auditors may, as resources allow, help coordinate
37 elements of the future voter program, and participate in voter

1 registration events for students on "Temperance and Good Citizenship
2 Day."

3 (4) On each temperance and good citizenship day all students who
4 will be eighteen years of age or older by the time of the next
5 general election will be given the opportunity to register to vote
6 online in the classroom. Paper registration must also be made
7 available in the classroom. Students who do not possess a state
8 identicard or driver's license must be provided a paper registration
9 form. The event must include adequate time for students to complete
10 the registration process in class.

11 (5) The superintendent of public instruction, in consultation
12 with the secretary of state, must update and distribute youth voter
13 registration materials annually, by December 1st, for eligible
14 students to register to vote at school. Electronic notification of
15 the availability of the materials must be distributed to high school
16 principals and secondary social studies and history teachers.

17 (6) The superintendent of public instruction must consult with
18 the secretary of state to provide registration methods that enable
19 the electronic collection of information on the number of students
20 who registered to vote on "Temperance and Good Citizenship Day," with
21 the goal of achieving at least fifty thousand new voter registrations
22 for seventeen and eighteen year olds annually, beginning in January
23 2020.

24 (7) Beginning March 1, 2020, and annually thereafter by May 1st,
25 the superintendent of public instruction must report on yearly
26 progress toward the goal established in subsection ~~((+5))~~ (6) of
27 this section, including the number of ~~((seventeen))~~ 17 and
28 ~~((eighteen))~~ 18 year olds registered to vote by county and
29 recommendations for increasing youth voter registration, to the
30 governor and the appropriate standing committees of the legislature
31 in accordance with RCW 43.01.036.

32 (8) For the purposes of this section:

33 (a) "Future voter program" refers to the information that may be
34 collected by a number of processes about a future voter. Information
35 that is otherwise disclosable under chapter 29A.08 RCW cannot be
36 disclosed on the future voter until the person reaches age eighteen,
37 except for the purpose of processing and delivering ballots.

38 (b) "Sign up" means the act of providing information relevant to
39 eventual official voter registration, prior to such time that he or
40 she will be eighteen years of age by the next election.

1 **Sec. 4.** RCW 28A.300.476 and 2022 c 109 s 2 are each amended to
2 read as follows:

3 (1) By February 1, 2023, and by (~~February~~) March 1st every odd-
4 numbered year thereafter, the office of the superintendent of public
5 instruction shall submit, in accordance with RCW 43.01.036, to the
6 appropriate committees of the legislature a report analyzing the
7 implementation of RCW 28A.150.260(5)(b), related to physical, social,
8 and emotional support staff.

9 (2) For the analysis, the office of the superintendent of public
10 instruction must use personnel data reported on or around October 1st
11 of the report year and the prior year, and any other relevant data.

12 (3) Except as provided in subsection (4) of this section, the
13 report must:

14 (a) Compare the staffing units provided for nurses, social
15 workers, psychologists, counselors, classified staff providing
16 student and staff safety, and parent involvement coordinators under
17 RCW 28A.150.260(5) to the actual school district staffing levels for
18 physical, social, and emotional support staff, disaggregate by school
19 district; and

20 (b) Analyze trends with respect to: (i) Employed staff and
21 contract staff; and (ii) the percentage of staff with a valid
22 educational staff associate certificate. These trends must be
23 disaggregated by assignment duty code, as well as analyzed year over
24 year and by school district size and geography.

25 (4) For the report due February 1, 2023, the office of the
26 superintendent of public instruction is required to complete the
27 analysis described in subsection (3) of this section only to the
28 extent that relevant data are available.

29 (5) For the purposes of this section, "physical, social, and
30 emotional support staff" or "staff" has the same meaning as in RCW
31 28A.150.260(5)(b).

32 (6) This section expires June 30, 2030.

33 **Sec. 5.** RCW 28A.300.615 and 2020 c 8 s 3 are each amended to
34 read as follows:

35 (1) By (~~October~~) March 1st of each year, a school district must
36 report to the office of the superintendent of public instruction:

- 37 (a) The number of substitute teachers hired per school year;
38 (b) The number of hours worked by each substitute teacher;

1 (c) The number of substitute teachers that received benefits
2 under the school employees' benefits board;

3 (d) The full daily compensation rate per substitute teacher; and

4 (e) The reason for hiring the substitute teacher.

5 (2) By (~~January~~) May 1st of each year, the office of the
6 superintendent of public instruction must post on its website the
7 information identified in subsection (1) of this section.

8 **Sec. 6.** RCW 28A.655.090 and 2019 c 252 s 120 are each amended to
9 read as follows:

10 (1) By September 10, 1998, and by (~~September 10th~~) October 1st
11 each year thereafter, the superintendent of public instruction shall
12 report to schools, school districts, and the legislature on the
13 results of the statewide student assessment.

14 (2) The reports shall include the assessment results by school
15 and school district, and include changes over time. For the statewide
16 student assessment, results shall be reported as follows:

17 (a) The percentage of students meeting the standards;

18 (b) The percentage of students performing at each level of the
19 assessment;

20 (c) Disaggregation of results by at least the following subgroups
21 of students: White, Black, Hispanic, American Indian/Alaskan Native,
22 Asian, Pacific Islander/Hawaiian Native, low income, transitional
23 bilingual, migrant, special education, and, beginning with the
24 2009-10 school year, students covered by section 504 of the federal
25 rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794); and

26 (d) A learning improvement (~~index~~) indicator that shows changes
27 in student performance within the different levels of student
28 learning reported on the statewide student assessment.

29 (3) The reports shall contain data regarding the different
30 characteristics of schools, such as poverty levels, percent of
31 English as a second language students, dropout rates, attendance,
32 percent of students in special education, and student mobility so
33 that districts and schools can learn from the improvement efforts of
34 other schools and districts with similar characteristics.

35 (~~(4) (The reports shall contain student scores on mandated tests
36 by comparable Washington schools of similar characteristics.~~

37 ~~(5))~~ The reports shall contain information on public school
38 choice options available to students, including vocational education.

1 (~~(6)~~) (5) The reports shall be posted on the superintendent of
2 public instruction's internet website.

3 (~~(7)~~) (6) To protect the privacy of students, the results of
4 schools and districts that test fewer than ten students in a grade
5 level shall not be reported. In addition, in order to ensure that
6 results are reported accurately, the superintendent of public
7 instruction shall maintain the confidentiality of statewide data
8 files until the superintendent determines that the data are complete
9 and accurate.

10 (~~(8)~~) (7) The superintendent of public instruction shall
11 monitor the percentage and number of special education and limited
12 English-proficient students exempted from taking the assessments by
13 schools and school districts to ensure the exemptions are in
14 compliance with exemption guidelines.

15 **Sec. 7.** RCW 28A.655.260 and 2023 c 349 s 3 are each amended to
16 read as follows:

17 (1) The superintendent of public instruction shall collect the
18 following information from school districts: Which of the graduation
19 pathways under RCW 28A.655.250 are available to students at each of
20 the school districts; and the number of students using each
21 graduation pathway for graduation purposes. This information shall be
22 reported (~~(annually)~~) to the education committees of the legislature
23 beginning January 10, 2021, and by March 10th each year thereafter.
24 To the extent feasible, data on student participation in each of the
25 graduation pathways shall be disaggregated by race, ethnicity,
26 gender, and receipt of free or reduced-price lunch.

27 (2) The state board of education shall review and monitor the
28 implementation of the graduation pathway options to ensure school
29 district compliance with requirements established under RCW
30 28A.655.250 and subsection (3) of this section. The reviews and
31 monitoring required by this subsection may be conducted concurrently
32 with other oversight and monitoring conducted by the state board of
33 education. The information shall be collected annually and reported
34 to the education committees of the legislature by January 10, 2025,
35 and biennially thereafter.

36 (3) (a) At least annually, school districts shall examine data on
37 student groups participating in and completing each graduation
38 pathway option offered by the school district. At a minimum, the data
39 on graduation pathway participation and completion must be

1 disaggregated by the student groups described in RCW 28A.300.042 (1)
2 and (3), and by:

- 3 (i) Gender;
- 4 (ii) Students who are the subject of a dependency proceeding
5 pursuant to chapter 13.34 RCW;
- 6 (iii) Students who are experiencing homelessness as defined in
7 RCW 28A.300.542(~~(4)~~) (6); and
- 8 (iv) Multilingual/English learners.

9 (b) If the results of the analysis required under (a) of this
10 subsection show disproportionate participation and completion rates
11 by student groups, then the school district shall identify reasons
12 for the observed disproportionality and implement strategies as
13 appropriate to ensure the graduation pathway options are equitably
14 available to all students in the school district.

15 **Sec. 8.** RCW 43.43.545 and 2020 c 26 s 6 are each amended to read
16 as follows:

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

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

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

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

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

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

1 (e) Allow victims of sexual assault to anonymously track or
2 receive updates regarding the status of their sexual assault kits;
3 and

4 (f) Use electronic technology or technologies allowing continuous
5 access.

6 (3) The Washington state patrol may use a phased implementation
7 process in order to launch the system and facilitate entry and use of
8 the system for required participants. The Washington state patrol may
9 phase initial participation according to region, volume, or other
10 appropriate classifications. All entities having custody of sexual
11 assault kits shall fully participate in the system no later than June
12 1, 2018. The Washington state patrol shall submit a report on the
13 current status and plan for launching the system, including the plan
14 for phased implementation, to the joint legislative task force on
15 sexual assault forensic examination best practices, the appropriate
16 committees of the legislature, and the governor no later than January
17 1, 2017.

18 (4) The Washington state patrol shall submit (~~(a semiannual)~~) an
19 annual report on the statewide sexual assault kit tracking system to
20 the joint legislative task force on sexual assault forensic
21 examination best practices, the appropriate committees of the
22 legislature, and the governor. The Washington state patrol may
23 publish the current report on its website. The first report is due
24 (~~(July 31, 2018)~~) January 31, 2025, and subsequent reports are due
25 January 31st (~~(and July 31st)~~) of each year. The report must include
26 the following:

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

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

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

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

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

1 kits added to the system in the reporting period statewide and by
2 jurisdiction;

3 (f) The average and median length of time for forensic analysis
4 to be completed on sexual assault kits after being submitted for
5 analysis, including separate sets of data for all sexual assault kits
6 in the system statewide and by jurisdiction and for sexual assault
7 kits added to the system in the reporting period statewide and by
8 jurisdiction;

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

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

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

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

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

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

32 (8) For the purposes of this section:

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

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

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

1 **Sec. 9.** RCW 43.63A.510 and 2018 c 217 s 1 are each amended to
2 read as follows:

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

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

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

31 (4) As used in this section:

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

38 (b) "Very low-income household" means a single person, family, or
39 unrelated persons living together whose income is at or below fifty

1 percent of the median income, adjusted for household size, for the
2 county where the affordable housing is located.

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

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

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

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

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

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

21 **Sec. 10.** RCW 43.280.100 and 2013 c 121 s 7 are each amended to
22 read as follows:

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

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

34 **Sec. 11.** RCW 48.43.0128 and 2021 c 280 s 3 are each amended to
35 read as follows:

36 (1) A health carrier offering a nongrandfathered health plan or a
37 plan deemed by the commissioner to have a short-term limited purpose
38 or duration, or to be a student-only plan that is guaranteed

1 renewable while the covered person is enrolled as a regular, full-
2 time undergraduate student at an accredited higher education
3 institution may not:

4 (a) In its benefit design or implementation of its benefit
5 design, discriminate against individuals because of their age,
6 expected length of life, present or predicted disability, degree of
7 medical dependency, quality of life, or other health conditions; and

8 (b) With respect to the health plan or plan deemed by the
9 commissioner to have a short-term limited purpose or duration, or to
10 be a student-only plan that is guaranteed renewable while the covered
11 person is enrolled as a regular, full-time undergraduate student at
12 an accredited higher education institution, discriminate on the basis
13 of race, color, national origin, disability, age, sex, gender
14 identity, or sexual orientation.

15 (2) Nothing in this section may be construed to prevent a carrier
16 from appropriately utilizing reasonable medical management
17 techniques.

18 (3) For health plans issued or renewed on or after January 1,
19 2022:

20 (a) A health carrier may not deny or limit coverage for gender-
21 affirming treatment when that treatment is prescribed to an
22 individual because of, related to, or consistent with a person's
23 gender expression or identity, as defined in RCW 49.60.040, is
24 medically necessary, and is prescribed in accordance with accepted
25 standards of care.

26 (b) A health carrier may not apply categorical cosmetic or
27 blanket exclusions to gender-affirming treatment. When prescribed as
28 medically necessary gender-affirming treatment, a health carrier may
29 not exclude as cosmetic services facial feminization surgeries and
30 other facial gender-affirming treatment, such as tracheal shaves,
31 hair electrolysis, and other care such as mastectomies, breast
32 reductions, breast implants, or any combination of gender-affirming
33 procedures, including revisions to prior treatment.

34 (c) A health carrier may not issue an adverse benefit
35 determination denying or limiting access to gender-affirming
36 services, unless a health care provider with experience prescribing
37 or delivering gender-affirming treatment has reviewed and confirmed
38 the appropriateness of the adverse benefit determination.

39 (d) Health carriers must comply with all network access rules and
40 requirements established by the commissioner.

1 (4) For the purposes of this section, "gender-affirming
2 treatment" means a service or product that a health care provider, as
3 defined in RCW 70.02.010, prescribes to an individual to treat any
4 condition related to the individual's gender identity and is
5 prescribed in accordance with generally accepted standards of care.
6 Gender-affirming treatment must be covered in a manner compliant with
7 the federal mental health parity and addiction equity act of 2008 and
8 the federal affordable care act. Gender-affirming treatment can be
9 prescribed to two spirit, transgender, nonbinary, intersex, and other
10 gender diverse individuals.

11 (5) Nothing in this section may be construed to mandate coverage
12 of a service that is not medically necessary.

13 (6) By December 1, 2022, the commissioner, in consultation with
14 the health care authority and the department of health, must issue a
15 report on geographic access to gender-affirming treatment across the
16 state. The report must include the number of gender-affirming
17 providers offering care in each county, the carriers and medicaid
18 managed care organizations those providers have active contracts
19 with, and the types of services provided by each provider in each
20 region. The commissioner must update the report (~~biannually~~)
21 biennially and post the report on its website.

22 (7) The commissioner shall adopt any rules necessary to implement
23 subsections (3), (4), and (5) of this section.

24 (8) Unless preempted by federal law, the commissioner shall adopt
25 any rules necessary to implement subsections (1) and (2) of this
26 section, consistent with federal rules and guidance in effect on
27 January 1, 2017, implementing the patient protection and affordable
28 care act.

29 **Sec. 12.** RCW 61.24.163 and 2023 c 206 s 5 are each amended to
30 read as follows:

31 (1) The foreclosure mediation program established in this section
32 applies only to borrowers who have been referred to mediation by a
33 housing counselor or attorney. The referral to mediation may be made
34 any time after a notice of default has been issued but no later than
35 90 days prior to the date of sale listed in the notice of trustee's
36 sale. If an amended notice of trustee's sale is recorded after the
37 trustee sale has been stayed pursuant to RCW 61.24.130, the borrower
38 may be referred to mediation no later than 25 days prior to the date
39 of sale listed in the amended notice of trustee's sale. If the

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

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

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

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

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

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

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

25 (b) Debts and obligations;

26 (c) Assets;

27 (d) Expenses;

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

29 (f) Hardship information;

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

32 (5) Within 20 days of the beneficiary's receipt of the borrower's
33 documents, the beneficiary shall transmit the documents required for
34 mediation to the mediator and the borrower. The required documents
35 include:

36 (a) An accurate statement containing the balance of the loan
37 within 30 days of the date on which the beneficiary's documents are
38 due to the parties;

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

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

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

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

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

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

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

23 (i) Appraisal or other broker price opinion most recently relied
24 upon by the beneficiary not more than 90 days old at the time of the
25 scheduled mediation; and

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

34 (6) Within 70 days of receiving the referral from the department,
35 the mediator shall convene a mediation session in the county where
36 the property is located, unless the parties agree on another
37 location. The parties may agree to extend the time in which to
38 schedule the mediation session. If the parties agree to extend the
39 time, the beneficiary shall notify the trustee of the extension and

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

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

7 (b) The mediator must send written notice of the time, date, and
8 location of the mediation session to the borrower, the beneficiary,
9 and the department at least 30 days prior to the mediation session.
10 At a minimum, the notice must contain:

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

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

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

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

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

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

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

1 obligations for the previous 60 days or greater time period as
2 determined by the mediator;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (17) A mediator may charge reasonable fees as authorized by this
22 subsection or as authorized by the department. Unless the fee is
23 waived, the parties agree otherwise, or the department otherwise
24 authorizes, a foreclosure mediator's fee may not exceed \$400 for
25 preparing, scheduling, and conducting a mediation session lasting
26 between one hour and three hours. For a mediation session exceeding
27 three hours, the foreclosure mediator may charge a reasonable fee, as
28 authorized by the department. The mediator must provide an estimated
29 fee before the mediation, and payment of the mediator's fee must be
30 divided equally between the beneficiary and the borrower. The
31 beneficiary and the borrower must tender the loan mediator's fee
32 within 30 calendar days from receipt of the department's letter
33 referring the parties to mediation or pursuant to the mediator's
34 instructions.

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

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

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

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

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

15 (19) This section does not apply to certain federally insured
16 depository institutions, as specified in RCW 61.24.166.

17 **Sec. 13.** RCW 70A.420.050 and 2020 c 20 s 1274 are each amended
18 to read as follows:

19 The department shall adopt rules to:

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

23 (a) Training curriculum;

24 (b) Training hours;

25 (c) Hands-on training;

26 (d) Trainee competency and proficiency;

27 (e) Training program quality control;

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

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

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

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

38 (3) Certify individuals involved in lead-based paint activities
39 to ensure that certified individuals are trained by an accredited

1 training program and possess appropriate educational or experience
2 qualifications for certification;

3 (4) Establish procedures for recertification;

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

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

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

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

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

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

15 (a) Warning letters, notices of noncompliance, notices of
16 violation, or the equivalent;

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

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

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

26 **Sec. 14.** RCW 72.09.620 and 1999 c 324 s 7 are each amended to
27 read as follows:

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

37 **Sec. 15.** RCW 77.135.090 and 2014 c 202 s 111 are each amended to
38 read as follows:

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

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

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

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

37
38

PART II
REPEAL OF REPORTS

1 **Sec. 16.** RCW 28A.230.095 and 2011 c 185 s 5 are each amended to
2 read as follows:

3 (1) By the end of the 2008-09 school year, school districts shall
4 have in place in elementary schools, middle schools, and high schools
5 assessments or other strategies chosen by the district to assure that
6 students have an opportunity to learn the ~~((essential academic~~
7 ~~learning requirements))~~ state learning standards in social studies,
8 the arts, and health and fitness. Social studies includes history,
9 geography, civics, economics, and social studies skills. Health and
10 fitness includes, but is not limited to, mental health and suicide
11 prevention education. ~~((Beginning with the 2008-09 school year,~~
12 ~~school districts shall annually submit an implementation verification~~
13 ~~report to the office of the superintendent of public instruction.))~~
14 The office of the superintendent of public instruction may not
15 require school districts to use a classroom-based assessment in
16 social studies, the arts, and health and fitness to meet the
17 requirements of this section and shall clearly communicate to
18 districts their option to use other strategies chosen by the
19 district.

20 (2) Beginning with the 2008-09 school year, school districts
21 shall require students in the seventh or eighth grade, and the
22 ~~((eleventh))~~ 11th or ~~((twelfth))~~ 12th grade to each complete at least
23 one classroom-based assessment in civics. Beginning with the 2010-11
24 school year, school districts shall require students in the fourth or
25 fifth grade to complete at least one classroom-based assessment in
26 civics. The civics assessment may be selected from a list of
27 classroom-based assessments approved by the office of the
28 superintendent of public instruction. ~~((Beginning with the 2008-09~~
29 ~~school year, school districts shall annually submit implementation~~
30 ~~verification reports to the office of the superintendent of public~~
31 ~~instruction documenting the use of the classroom-based assessments in~~
32 ~~civics.~~

33 ~~(3) Verification reports shall require school districts to report~~
34 ~~only the information necessary to comply with this section.))~~

35 **Sec. 17.** RCW 28A.300.530 and 2009 c 546 s 2 are each amended to
36 read as follows:

37 ~~((1))~~ Within available resources, the office of the
38 superintendent of public instruction, in consultation with the school
39 districts that participated in the Lorraine Wojahn dyslexia pilot

1 program, and with an international nonprofit organization dedicated
2 to supporting efforts to provide appropriate identification of and
3 instruction for individuals with dyslexia, shall:

4 ~~((a))~~ (1) Develop an educator training program to enhance the
5 reading, writing, and spelling skills of students with dyslexia. The
6 training program must provide research-based, multisensory literacy
7 intervention professional development in the areas of dyslexia and
8 intervention implementation. The program shall be posted on the
9 website of the office of the superintendent of public instruction.
10 The training program may be regionally delivered through the
11 educational service districts. The educational service districts may
12 seek assistance from the international nonprofit organization to
13 deliver the training; and

14 ~~((b))~~ (2) Develop a dyslexia handbook to be used as a reference
15 for teachers and parents of students with dyslexia. The handbook
16 shall be modeled after other state dyslexia handbooks, and shall
17 include guidelines for school districts to follow as they identify
18 and provide services for students with dyslexia. Additionally, the
19 handbook shall provide school districts, and parents and guardians
20 with information regarding the state's relevant statutes and their
21 relation to federal special education laws. The handbook shall be
22 posted on the website of the office of the superintendent of public
23 instruction.

24 ~~((2) Beginning September 1, 2009, and annually thereafter, each
25 educational service district shall report to the office of the
26 superintendent of public instruction the number of individuals who
27 participate in the training developed and offered by the educational
28 service district. The office of the superintendent of public
29 instruction shall report that information to the legislative
30 education committees.))~~

31 **Sec. 18.** RCW 28A.305.035 and 2006 c 263 s 103 are each amended
32 to read as follows:

33 ~~((1) By October 15th of each even-numbered year, the state board
34 of education and the professional educator standards board shall
35 submit a joint report to the legislative education committees, the
36 governor, and the superintendent of public instruction. The report
37 shall address the progress the boards have made and the obstacles
38 they have encountered, individually and collectively, in the work of
39 achieving the goals in RCW 28A.150.210.~~

1 ~~(2))~~) The state board of education shall include the chairs and
2 ranking minority members of the legislative education committees in
3 board communications so that the legislature can be kept apprised of
4 the discussions and proposed actions of the board.

5 **Sec. 19.** RCW 28A.305.130 and 2021 c 111 s 10 are each amended to
6 read as follows:

7 The purpose of the state board of education is to provide
8 advocacy and strategic oversight of public education; implement a
9 standards-based accountability framework that creates a unified
10 system of increasing levels of support for schools in order to
11 improve student academic achievement; provide leadership in the
12 creation of a system that personalizes education for each student and
13 respects diverse cultures, abilities, and learning styles; and
14 promote achievement of the goals of RCW 28A.150.210. In addition to
15 any other powers and duties as provided by law, the state board of
16 education shall:

17 (1) Hold regularly scheduled meetings at such time and place
18 within the state as the board shall determine and may hold such
19 special meetings as may be deemed necessary for the transaction of
20 public business;

21 (2) Form committees as necessary to effectively and efficiently
22 conduct the work of the board;

23 (3) Seek advice from the public and interested parties regarding
24 the work of the board;

25 (4) For purposes of statewide accountability:

26 (a) Adopt and revise performance improvement goals in reading,
27 writing, science, and mathematics, by subject and grade level, once
28 assessments in these subjects are required statewide; academic and
29 technical skills, as appropriate, in secondary career and technical
30 education programs; and student attendance, as the board deems
31 appropriate to improve student learning. The goals shall be
32 consistent with student privacy protection provisions of RCW

33 28A.655.090(~~(+7))~~) (6) and shall not conflict with requirements
34 contained in Title I of the federal elementary and secondary
35 education act of 1965, or the requirements of the Carl D. Perkins
36 vocational education act of 1998, each as amended. The goals may be
37 established for all students, economically disadvantaged students,
38 limited English proficient students, students with disabilities, and
39 students who are not meeting academic standards as defined in RCW

1 28A.165.015, disaggregated as described in RCW 28A.300.042(1) for
2 student-level data. The board may establish school and school
3 district goals addressing high school graduation rates and dropout
4 reduction goals for students in grades seven through twelve. The
5 board shall adopt the goals by rule. However, before each goal is
6 implemented, the board shall present the goal to the education
7 committees of the house of representatives and the senate for the
8 committees' review and comment in a time frame that will permit the
9 legislature to take statutory action on the goal if such action is
10 deemed warranted by the legislature;

11 (b) (i) (A) Identify the scores students must achieve in order to
12 meet the standard on the statewide student assessment, and the SAT or
13 the ACT if used to demonstrate career and college readiness under RCW
14 28A.655.250. The board shall also determine student scores that
15 identify levels of student performance below and beyond the standard.
16 The board shall set such performance standards and levels in
17 consultation with the superintendent of public instruction and after
18 consideration of any recommendations that may be developed by any
19 advisory committees that may be established for this purpose;

20 (B) To permit the legislature to take any statutory action it
21 deems warranted before modified or newly established scores are
22 implemented, the board shall notify the education committees of the
23 house of representatives and the senate of any scores that are
24 modified or established under (b) (i) (A) of this subsection on or
25 after July 28, 2019. The notifications required by this subsection
26 (4) (b) (i) (B) must be provided by November 30th of the year proceeding
27 the beginning of the school year in which the modified or established
28 scores will take effect;

29 (ii) The legislature intends to continue the implementation of
30 chapter 22, Laws of 2013 2nd sp. sess. when the legislature expressed
31 the intent for the state board of education to identify the student
32 performance standard that demonstrates a student's career and college
33 readiness for the eleventh grade consortium-developed assessments.
34 Therefore, by December 1, 2018, the state board of education, in
35 consultation with the superintendent of public instruction, must
36 identify and report to the governor and the education policy and
37 fiscal committees of the legislature on the equivalent student
38 performance standard that a tenth grade student would need to achieve
39 on the state assessments to be on track to be career and college
40 ready at the end of the student's high school experience;

1 (iii) The legislature shall be advised of the initial performance
2 standards and any changes made to the elementary, middle, and high
3 school level performance standards. The board must provide an
4 explanation of and rationale for all initial performance standards
5 and any changes, for all grade levels of the statewide student
6 assessment. If the board changes the performance standards for any
7 grade level or subject, the superintendent of public instruction must
8 recalculate the results from the previous ten years of administering
9 that assessment regarding students below, meeting, and beyond the
10 state standard, to the extent that this data is available, and post a
11 comparison of the original and recalculated results on the
12 superintendent's website; and

13 (c) Annually review the assessment reporting system to ensure
14 fairness, accuracy, timeliness, and equity of opportunity, especially
15 with regard to schools with special circumstances and unique
16 populations of students, and a recommendation to the superintendent
17 of public instruction of any improvements needed to the system(~~(;~~and

18 ~~(d) Include in the biennial report required under RCW~~
19 ~~28A.305.035, information on the progress that has been made in~~
20 ~~achieving goals adopted by the board));~~

21 (5) Accredite, subject to such accreditation standards and
22 procedures as may be established by the state board of education, all
23 private schools that apply for accreditation, and approve, subject to
24 the provisions of RCW 28A.195.010, private schools carrying out a
25 program for any or all of the grades kindergarten through twelve.
26 However, no private school may be approved that operates a
27 kindergarten program only and no private school shall be placed upon
28 the list of accredited schools so long as secret societies are
29 knowingly allowed to exist among its students by school officials;

30 (6) Articulate with the institutions of higher education,
31 workforce representatives, and early learning policymakers and
32 providers to coordinate and unify the work of the public school
33 system;

34 (7) Hire an executive director and an administrative assistant to
35 reside in the office of the superintendent of public instruction for
36 administrative purposes. Any other personnel of the board shall be
37 appointed as provided by RCW 28A.300.020. The board may delegate to
38 the executive director by resolution such duties as deemed necessary
39 to efficiently carry on the business of the board including, but not
40 limited to, the authority to employ necessary personnel and the

1 authority to enter into, amend, and terminate contracts on behalf of
2 the board. The executive director, administrative assistant, and all
3 but one of the other personnel of the board are exempt from civil
4 service, together with other staff as now or hereafter designated as
5 exempt in accordance with chapter 41.06 RCW; and

6 (8) Adopt a seal that shall be kept in the office of the
7 superintendent of public instruction.

8 **Sec. 20.** RCW 28A.410.210 and 2017 3rd sp.s. c 26 s 2 are each
9 amended to read as follows:

10 The purpose of the Washington professional educator standards
11 board is to establish policies and requirements for the preparation
12 and certification of educators that provide standards for competency
13 in professional knowledge and practice in the areas of certification;
14 a foundation of skills, knowledge, and attitudes necessary to help
15 students with diverse needs, abilities, cultural experiences, and
16 learning styles meet or exceed the learning goals outlined in RCW
17 28A.150.210; knowledge of research-based practice; and professional
18 development throughout a career. The Washington professional educator
19 standards board shall:

20 (1) Establish policies and practices for the approval of programs
21 of courses, requirements, and other activities leading to educator
22 certification including teacher, school administrator, and
23 educational staff associate certification;

24 (2) Establish policies and practices for the approval of the
25 character of work required to be performed as a condition of entrance
26 to and graduation from any educator preparation program including
27 teacher, school administrator, and educational staff associate
28 preparation program as provided in subsection (1) of this section;

29 (3) Establish a list of accredited institutions of higher
30 education of this and other states whose graduates may be awarded
31 educator certificates as teacher, school administrator, and
32 educational staff associate and establish criteria and enter into
33 agreements with other states to acquire reciprocal approval of
34 educator preparation programs and certification, including teacher
35 certification from the national board for professional teaching
36 standards;

37 (4) Establish policies for approval of nontraditional educator
38 preparation programs;

1 (5) Conduct a review of educator program approval standards at
2 least every five years, beginning in 2006, to reflect research
3 findings and assure continued improvement of preparation programs for
4 teachers, administrators, and school specialized personnel;

5 (6) Specify the types and kinds of educator certificates to be
6 issued and conditions for certification in accordance with subsection
7 (1) of this section, RCW 28A.410.251, and 28A.410.010;

8 (7) Apply for and receive federal or other funds on behalf of the
9 state for purposes related to the duties of the board;

10 (8) Adopt rules under chapter 34.05 RCW that are necessary for
11 the effective and efficient implementation of this chapter;

12 (9) Maintain data concerning educator preparation programs and
13 their quality, educator certification, educator employment trends and
14 needs, and other data deemed relevant by the board;

15 (10) Serve as an advisory body to the superintendent of public
16 instruction on issues related to educator recruitment, hiring,
17 mentoring and support, professional growth, retention, educator
18 evaluation including but not limited to peer evaluation, and
19 revocation and suspension of licensure;

20 ~~(11) ((Submit, by October 15th of each even-numbered year and in
21 accordance with RCW 43.01.036, a joint report with the state board of
22 education to the legislative education committees, the governor, and
23 the superintendent of public instruction. The report shall address
24 the progress the boards have made and the obstacles they have
25 encountered, individually and collectively, in the work of achieving
26 the goals set out in RCW 28A.150.210;~~

27 ~~(12))~~ Establish the prospective teacher assessment system for
28 basic skills and subject knowledge that shall be required to obtain
29 residency certification pursuant to RCW 28A.410.220 through
30 28A.410.240; and

31 ~~((13))~~ (12) Conduct meetings under the provisions of chapter
32 42.30 RCW.

33 **Sec. 21.** RCW 28A.320.196 and 2022 c 75 s 4 are each amended to
34 read as follows:

35 (1) Subject to funds appropriated specifically for this purpose,
36 the academic acceleration incentive program is established as
37 provided in this section. The intent of the legislature is that the
38 funds awarded under the program be used to support teacher training,
39 curriculum, technology, examination fees, textbook fees, and other

1 costs associated with offering dual credit courses to high school
2 students, including transportation for running start students to and
3 from the institution of higher education as defined in RCW
4 28A.600.300.

5 (2) The office of the superintendent of public instruction shall
6 allocate half of the funds appropriated for the purposes of this
7 section on a competitive basis to provide one-time grants for high
8 schools to expand the availability of dual credit courses. To be
9 eligible for a grant, a school district must have adopted an academic
10 acceleration policy as provided under RCW 28A.320.195. In making
11 grant awards, the office of the superintendent of public instruction
12 must give priority to grants for high schools with a high proportion
13 of low-income students and high schools seeking to develop new
14 capacity for dual credit courses rather than proposing marginal
15 expansion of current capacity.

16 (3) The office of the superintendent of public instruction shall
17 allocate half of the funds appropriated for the purposes of this
18 section to school districts as an incentive award for each student
19 who earned dual high school and college credit, as described under
20 subsection (4) of this section, for courses offered by the district's
21 high schools during the previous school year. School districts must
22 distribute the award to the high schools that generated the funds.
23 The award amount for low-income students eligible to participate in
24 the federal free and reduced-price meals program who earn dual
25 credits must be set at (~~one hundred twenty-five~~) 125 percent of the
26 base award for other students. A student who earns more than one dual
27 credit in the same school year counts only once for the purposes of
28 the incentive award.

29 (4) For the purposes of this section, the following students are
30 considered to have earned dual high school and college credit in a
31 course offered by a high school:

32 (a) Students who achieve a score of three or higher on an AP
33 examination;

34 (b) Students who achieve a score of four or higher on an
35 examination of the international baccalaureate diploma programme;

36 (c) Students who successfully complete a Cambridge advanced
37 international certificate of education examination;

38 (d) Students who successfully complete a course through the
39 college in the high school program under RCW 28A.600.287 and are
40 awarded credit by the partnering institution of higher education; and

1 (e) Students who satisfy the dual enrollment and class
2 performance requirements to earn college credit through a career and
3 technical education course.

4 (5) If a high school provides access to online courses for
5 students to earn dual high school and college credit at no cost to
6 the student, such a course is considered to be offered by the high
7 school.

8 ~~((6) The office of the superintendent of public instruction
9 shall report to the education policy committees and the fiscal
10 committees of the legislature, by January 1st of each year,
11 information about the demographics of the students earning dual
12 credits in the schools receiving grants under this section for the
13 prior school year. Demographic data shall be disaggregated pursuant
14 to RCW 28A.300.042.))~~

15 **Sec. 22.** RCW 28B.77.220 and 2013 c 23 s 61 are each amended to
16 read as follows:

17 (1) The council must convene work groups to develop transfer
18 associate degrees that will satisfy lower division requirements at
19 public four-year institutions of higher education for specific
20 academic majors. Work groups must include representatives from the
21 state board for community and technical colleges and the council of
22 presidents, as well as faculty from two and four-year institutions.
23 Work groups may include representatives from independent four-year
24 institutions.

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

30 (3) Completion of a transfer associate degree does not guarantee
31 a student admission into an institution of higher education or
32 admission into a major, minor, or professional program at an
33 institution of higher education that has competitive admission
34 standards for the program based on grade point average or other
35 performance criteria.

36 (4) During the 2004-05 academic year, the work groups must
37 develop transfer degrees for elementary education, engineering, and
38 nursing. As necessary based on demand or identified need, the council
39 must convene additional groups to identify and develop additional

1 transfer degrees. The council must give priority to majors in high
2 demand by transfer students and majors that the general direct
3 transfer agreement associate degree does not adequately prepare
4 students to enter automatically upon transfer.

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

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

12 ~~((7) Beginning January 10, 2005, the council must submit a
13 progress report on the development of transfer associate degrees to
14 the higher education committees of the house of representatives and
15 the senate. The first progress report must include measurable
16 benchmark indicators to monitor the effectiveness of the initiatives
17 in improving transfer and baseline data for those indicators before
18 the implementation of the initiatives. Subsequent reports must be
19 submitted by January 10th of each odd-numbered year and must monitor
20 progress on the indicators, describe development of additional
21 transfer associate degrees, and provide other data on improvements in
22 transfer efficiency.))~~

23 **Sec. 23.** RCW 43.21A.150 and 2017 c 47 s 2 are each amended to
24 read as follows:

25 ~~((1))~~ The director, whenever it is lawful and feasible to do
26 so, shall consult and cooperate with the federal government, as well
27 as with other states and Canadian provinces, in the study and control
28 of environmental problems. On behalf of the department, the director
29 is authorized to accept, receive, disburse, and administer grants or
30 other funds or gifts from any source, including private individuals
31 or agencies, the federal government, and other public agencies, for
32 the purpose of carrying out the provisions of this chapter.

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

37 ~~(b) The list must identify each agreement, the type of agreement,
38 parties to the agreement, the effective date of the agreement, and a
39 brief description of the agreement. The list must include all~~

1 interagency agreements involving the department and other state
2 agencies, local governments, special purpose districts, the federal
3 government and federal government agencies, and the agencies of other
4 states.

5 ~~(c) For the initial list, the department must by December 31,~~
6 ~~2017, list all grant agreements and federal agreements where~~
7 ~~information is readily extractable from the department's data~~
8 ~~systems. For those data systems that, because of their age, require~~
9 ~~programming support to extract and format data for publishing to the~~
10 ~~internet, the department must complete listing the required~~
11 ~~information according to the following schedule:~~

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

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

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

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

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

27 **Sec. 24.** RCW 43.60A.240 and 2020 c 56 s 2 are each amended to
28 read as follows:

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

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

33 (a) Conducting outreach to, and providing assistance designed for
34 the unique needs of, veterans who are lesbian, gay, bisexual,
35 transgender, and queer, and to the spouses and dependents of such
36 veterans;

37 (b) Providing assistance to veterans who are lesbian, gay,
38 bisexual, transgender, and queer in applying for an upgrade to the

1 character of a discharge from service or a change in the narrative
2 reason for a discharge from service;

3 (c) Providing assistance in applying for and obtaining veterans'
4 benefits and benefits available through other programs that provide
5 services and resources to veterans who are lesbian, gay, bisexual,
6 transgender, and queer, and to the spouses and dependents of such
7 veterans;

8 (d) Providing assistance to veterans who are lesbian, gay,
9 bisexual, transgender, and queer in applying for, and in appealing
10 any denial of, federal and state veterans' benefits and aid that such
11 veterans, and the spouses and dependents of such veterans, may be
12 entitled to; and

13 (e) Developing and distributing informational materials to
14 veterans who are lesbian, gay, bisexual, transgender, and queer, and
15 to the spouses and dependents of such veterans, regarding veterans'
16 benefits and other benefit programs that provide services and
17 resources to veterans who are lesbian, gay, bisexual, transgender,
18 and queer, and to the spouses and dependents of such veterans.

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

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

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

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

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

31 **Sec. 25.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to
32 read as follows:

33 The director of veterans affairs shall make such rules and
34 regulations as may be necessary to carry out the purposes of this
35 chapter. The department shall furnish information, advice, and
36 assistance to veterans and coordinate all programs and services in
37 the field of veterans' claims service, education, health, vocational
38 guidance and placement, and services not provided by some other
39 agency of the state or by the federal government. ~~((The director~~

1 ~~shall submit a report of the departments' activities hereunder each~~
2 ~~year to the governor.))~~

3 **Sec. 26.** RCW 43.63A.068 and 2018 c 58 s 3 are each amended to
4 read as follows:

5 (1)(a) The department of commerce shall establish an advisory
6 committee to monitor, guide, and report on recommendations relating
7 to policies and programs for children and families with incarcerated
8 parents.

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

20 (c) The advisory committee shall:

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

23 (ii) Monitor and provide consultation on the implementation of
24 recommendations contained in the 2006 children of incarcerated
25 parents report;

26 (iii) Identify areas of need and develop recommendations for the
27 legislature, the department of social and health services, the
28 department of corrections, the department of children, youth, and
29 families, and the office of the superintendent of public instruction
30 to better meet the needs of children and families of persons
31 incarcerated in department of corrections facilities; and

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

36 (A) The goals for geographic distribution of programs and
37 funding;

38 (B) The scope and purpose of eligible services and the priority
39 of such services;

1 (C) Grant award funding limits;

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

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

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

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

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

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

18 (b) The department shall consider the recommendations of the
19 advisory committee regarding which services or programs the
20 department should fund.

21 (c) The programs selected shall collaborate with an agency, or
22 agencies, experienced in providing services to aid families and
23 victims of sexual assault and domestic violence to ensure that the
24 programs identify families who have a history of sexual assault or
25 domestic violence and ensure the services provided are appropriate
26 for the children and families.

27 **Sec. 27.** RCW 43.105.369 and 2016 c 195 s 2 are each amended to
28 read as follows:

29 (1) The office of privacy and data protection is created within
30 the office of the state chief information officer. The purpose of the
31 office of privacy and data protection is to serve as a central point
32 of contact for state agencies on policy matters involving data
33 privacy and data protection.

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

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

38 (a) To conduct an annual privacy review;

1 (b) To conduct an annual privacy training for state agencies and
2 employees;

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

4 (d) To coordinate data protection in cooperation with the agency;
5 and

6 (e) To participate with the office of the state chief information
7 officer in the review of major state agency projects involving
8 personally identifiable information.

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

12 (a) Developing and promoting the dissemination of best practices
13 for the collection and storage of personally identifiable
14 information, including establishing and conducting a training program
15 or programs for local governments; and

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

19 (5) By December 1, 2016, and every four years thereafter, the
20 office of privacy and data protection must prepare and submit to the
21 legislature a report evaluating its performance. The office of
22 privacy and data protection must establish performance measures in
23 its 2016 report to the legislature and, in each report thereafter,
24 demonstrate the extent to which performance results have been
25 achieved. These performance measures must include, but are not
26 limited to, the following:

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

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

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

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

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

5 ~~((7) The office of privacy and data protection shall submit a
6 report to the legislature on the: (a) Extent to which
7 telecommunications providers in the state are deploying advanced
8 telecommunications capability; and (b) existence of any inequality in
9 access to advanced telecommunications infrastructure experienced by
10 residents of tribal lands, rural areas, and economically distressed
11 communities. The report may be submitted at a time within the
12 discretion of the office of privacy and data protection, at least
13 once every four years, and only to the extent the office of privacy
14 and data protection is able to gather and present the information
15 within existing resources.))~~

16 **Sec. 28.** RCW 47.01.330 and 2005 c 318 s 2 are each amended to
17 read as follows:

18 (1) The secretary shall establish an office of transit mobility.
19 The purpose of the office is to facilitate the integration of
20 decentralized public transportation services with the state
21 transportation system. The goals of the office of transit mobility
22 are: (a) To facilitate connection and coordination of transit
23 services and planning; and (b) maximizing opportunities to use public
24 transportation to improve the efficiency of transportation corridors.

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

27 (a) Developing a statewide strategic plan that creates common
28 goals for transit agencies and reduces competing plans for cross-
29 jurisdictional service;

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

31 (c) Encouraging long-range transit planning;

32 (d) Providing public transportation expertise to improve linkages
33 between regional transportation planning organizations and transit
34 agencies;

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

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

4 (g) Producing recommendations for the public transportation
5 section of the Washington transportation plan; and

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

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

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

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

17 **Sec. 29.** RCW 54.16.425 and 2021 c 294 s 4 are each amended to
18 read as follows:

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

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

27 (b) The amount agreed upon may not exceed the property tax amount
28 that would be owed on the property comprising the broadband
29 infrastructure used in providing retail telecommunications services
30 as calculated by the department of revenue. The public utility
31 district must provide information necessary for the department of
32 revenue to make the required valuation under this subsection. The
33 department of revenue must provide the amount of property tax that
34 would be owed on the property to the county or counties in which the
35 broadband infrastructure is located on an annual basis.

36 (c) If the public utility district and a county cannot agree on
37 the amount of the payment in lieu of taxes, either party may invoke
38 binding arbitration by providing written notice to the other party.
39 In the event that the amount of payment in lieu of taxes is submitted

1 to binding arbitration, the arbitrators must consider the government
2 services available to the public utility district's broadband
3 infrastructure used in providing retail telecommunications services.
4 The public utility district and county must each select one
5 arbitrator, the two of whom must pick a third arbitrator. Costs of
6 the arbitration, including compensation for the arbitrators'
7 services, must be borne equally by the parties participating in the
8 arbitration.

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

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

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

24 **Sec. 30.** RCW 72.09.765 and 2020 c 319 s 4 are each amended to
25 read as follows:

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

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

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

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

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

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

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

9 (b) Rates charged for, or associated with, providing each type of
10 service including, but not limited to, monthly financial account
11 maintenance fees, transaction fees associated with money transfers,
12 per call and connection surcharges, bill statement fees, and refund
13 fees;

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

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

18 (e) One-time and ongoing costs incurred for installing and
19 maintaining hardware;

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

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

25 (4) ~~((By November 1st of each year, and in compliance with RCW
26 43.01.036, the department shall report to the governor and
27 legislature on contracts for telecommunication services and
28 electronic media services under this section and the contractor's
29 annual compliance with this section.~~

30 ~~(5))~~) This section applies to any contract in effect on June 11,
31 2020, and to any renegotiation, renewal, or extension of such
32 contract.

33 **Sec. 31.** RCW 77.32.555 and 2015 c 254 s 1 are each amended to
34 read as follows:

35 (1) In addition to the fees authorized in this chapter, the
36 department shall include a surcharge to fund biotoxin testing and
37 monitoring by the department of health of beaches used for
38 recreational shellfishing, and to fund monitoring by the Olympic
39 region harmful algal bloom program of the Olympic natural resources

1 center at the University of Washington. The surcharge on recreational
2 shellfish licenses cannot be increased more than one dollar and can
3 only be increased when the surcharge for commercial shellfish
4 licenses is increased. A surcharge of four dollars applies to
5 resident and nonresident shellfish and seaweed licenses as authorized
6 by RCW 77.32.520(3) (a) and (b); a surcharge of three dollars applies
7 to resident and nonresident adult combination licenses as authorized
8 by RCW 77.32.470(2)(a); a surcharge of three dollars applies to
9 annual resident and nonresident razor clam licenses as authorized by
10 RCW 77.32.520(4); and a surcharge of two dollars applies to the
11 three-day razor clam license authorized by RCW 77.32.520(5). Amounts
12 collected from these surcharges must be deposited in the biotoxin
13 account created in subsection (3) of this section. The department may
14 not use any amounts collected from these surcharges to pay for its
15 administrative costs.

16 (2) Any moneys from surcharges remaining in the general fund—
17 local account after the 2007-2009 biennium must be transferred to the
18 biotoxin account created in subsection (3) of this section and be
19 credited to the appropriate institution. (~~The department of health
20 and the University of Washington shall, by December 1st of each year,
21 provide a letter to the relevant legislative policy and fiscal
22 committees on the status of expenditures. This letter shall include,
23 but is not limited to, the annual appropriation amount, the amount
24 not expended, account fund balance, and reasons for not spending the
25 full annual appropriation.~~)

26 (3) The biotoxin account is created in the state treasury to be
27 administered by the department of health. All moneys received under
28 subsection (1) of this section must be deposited in the account and
29 used by the department of health and the University of Washington as
30 required by subsection (1) of this section. Of the moneys deposited
31 into the account, one hundred fifty thousand dollars per year must be
32 made available to the University of Washington to implement
33 subsection (1) of this section. Moneys in the account may be spent
34 only after appropriation.

35 **Sec. 32.** RCW 82.14.470 and 2011 c 363 s 4 are each amended to
36 read as follows:

37 (1)(a)(i) Moneys collected from the taxes imposed under RCW
38 82.14.465 may be used only for the following purposes:

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

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

6 (C) Payments for public improvement costs.

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

12 (b) Local public sources are dedicated to finance public
13 improvements if they: (i) Are actually expended to pay public
14 improvement costs or debt service on bonds issued for public
15 improvements; or (ii) are required by law or an agreement to be used
16 exclusively to pay public improvement costs or debt service on bonds
17 issued for public improvements.

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

21 (2) A local government must inform the department by the first
22 day of March of the amount of local public sources allocated to the
23 preceding calendar year to finance public improvements authorized
24 under chapter 39.100 RCW.

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

28 (4)(a) A local government must provide a report to the department
29 and the state auditor by March 1st of each year. A local government
30 must make a good faith effort to provide information required for the
31 report.

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

33 (i) The amount of tax allocation revenues, taxes under RCW
34 82.14.465, and local public sources received by the local government
35 during the preceding calendar year, and a summary of how these
36 revenues were expended; and

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

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

8 **Sec. 33.** RCW 82.32.765 and 2016 c 207 s 5 are each amended to
9 read as follows:

10 ~~((1))~~) A sponsoring local government receiving a project award
11 under RCW 39.104.100 must provide a report to the department by March
12 1st of each year beginning March 1st after the project award has been
13 approved. The report must contain the following information:

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

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

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

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

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

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

38 ~~((g))~~) (7) The names of any businesses locating within the
39 revitalization area as a result of the public improvements undertaken

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

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

7 ~~((i))~~ (9) An estimate of the average wages and benefits
8 received by all employees of businesses locating within the
9 revitalization area as a result of the public improvements undertaken
10 by the sponsoring local government and financed in whole or in part
11 with local revitalization financing;

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

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

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

21 ~~((m))~~ (13) The amount of revenues from local public sources
22 that (i) were expended in prior years for the payment of bonds under
23 RCW 39.104.110 and public improvement costs within the revitalization
24 area on a pay-as-you-go basis in prior calendar years that were in
25 excess of the project award amount for that year and are carried
26 forward for dedication in future years, (ii) are deemed dedicated to
27 payment of bonds or public improvement costs in the calendar year for
28 which the report is prepared, and (iii) remain available for
29 dedication in future years; and

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

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

37 NEW SECTION. **Sec. 34.** The following acts or parts of acts are
38 each repealed:

- 1 (1) RCW 13.32A.045 (Family reconciliation services—Data) and 2020
2 c 51 s 4;
- 3 (2) RCW 19.02.055 (Agency duties—Information—Certification) and
4 2013 c 111 s 2;
- 5 (3) RCW 19.280.060 (Department's duties—Report to the
6 legislature) and 2015 3rd sp.s. c 19 s 10, 2013 c 149 s 4, & 2006 c
7 195 s 6;
- 8 (4) RCW 43.31.980 (Impact fee annual report) and 2015 c 241 s 4;
9 and
- 10 (5) RCW 62A.9A-527 (Duty to report) and 2000 c 250 s 9A-527.

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