
HOUSE BILL 2352

State of Washington

68th Legislature

2024 Regular Session

By Representatives Berg, Waters, Leavitt, Riccelli, Slatter, Goodman, Ormsby, Wylie, Mena, Cortes, Taylor, Farivar, Fosse, Ramel, Street, Reed, Morgan, Ryu, Corry, Bronoske, Nance, and Stokesbary

Read first time 01/12/24. Referred to Committee on Postsecondary Education & Workforce.

1 AN ACT Relating to creating the college athlete protection act;
2 reenacting and amending RCW 43.79A.040, 43.79A.040, and 43.79A.040;
3 adding a new chapter to Title 28B RCW; prescribing penalties;
4 providing effective dates; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Affiliated medical personnel" means individuals who provide
10 medical, rehabilitation, or athletic training diagnoses, opinions, or
11 services to college athletes, in collaboration with an institution of
12 higher education. "Affiliated medical personnel" include, but are not
13 limited to, physicians, mental health professionals, physical
14 therapists, and athletic trainers. Individuals do not have to receive
15 compensation from an institution of higher education to be affiliated
16 medical personnel.

17 (2) "Aggregate athletic grants" means the total amount of
18 athletic grants that an institution of higher education annually
19 reports pursuant to the federal equity in athletics disclosure act to
20 the United States department of education for each intercollegiate
21 athletics team at the institution. "Aggregate athletic grants" does

1 not include any difference in athletic grant amounts based on cost of
2 attendance disparities between an institution's in-state or out-of-
3 state college athletes.

4 (3) "All revenue" includes revenue that is not allocated by sport
5 pursuant to federal equity in athletics disclosure act reporting
6 standards.

7 (4) "Athletic association" means any organization that is
8 responsible for governing intercollegiate athletic programs.

9 (5) "Athletic grant" means an athletic scholarship or grant that
10 an institution of higher education pays to a college athlete to cover
11 a portion or all of the institution's cost of attendance for a full-
12 time, in-state, on-campus undergraduate student determined pursuant
13 to the federal higher education act of 1965 (Title 20 U.S.C. Sec.
14 108711). An athletic grant may not exceed the institution's cost of
15 attendance.

16 (6) "Athletic program" means an intercollegiate athletic program
17 at an institution of higher education.

18 (7) "College athlete" means a student who is enrolled at an
19 institution of higher education and is listed as a member of an
20 intercollegiate athletic team at the institution. A student's
21 participation in recreational, club, or intramural sports at an
22 institution does not meet the definition of college athlete.

23 (8) "Fair market value compensation" means an amount of
24 compensation for each college athlete who receives an athletic grant
25 that is determined annually by subtracting the intercollegiate
26 athletic team's aggregate athletic grants from one-half of the
27 intercollegiate athletic team's revenue and dividing that difference
28 by the number of athletic grants provided to college athletes on that
29 team. This fair market value compensation calculation does not
30 include revenue that is not allocated by sport.

31 (9) "Fund" means the Washington college athlete protection fund
32 established in section 13 of this act.

33 (10) "Institution of higher education" means any campus of the
34 University of Washington, Washington State University, Eastern
35 Washington University, or any public four-year institution located in
36 Washington that maintains an athletic program.

37 (11) "Institutional funds" means the amount of an institution of
38 higher education's revenue that is not derived from any
39 intercollegiate athletics source for an academic year that exceeds
40 the amount of its revenue that did not derive from any

1 intercollegiate athletics source reported for the 2021-22 academic
2 year.

3 (12) "Intercollegiate athlete" means a resident student, as
4 defined in RCW 28B.15.012, who is enrolled at an out-of-state college
5 or university and is listed as a member of an intercollegiate
6 athletics team at the out-of-state college or university. A student's
7 participation in recreational, club, or intramural sports at an out-
8 of-state college or university does not meet the definition of
9 intercollegiate athlete.

10 (13) "Office for civil rights" means the office for civil rights
11 within the United States department of education.

12 (14) "Panel" means the Washington college athlete protection
13 panel established in section 4 of this act.

14 (15) "Program" means the Washington college athlete protection
15 program established in section 4 of this act.

16 (16) "Revenue" means annual intercollegiate athletics revenue as
17 calculated and reported pursuant to the federal equity in athletics
18 disclosure act by an institution of higher education to the United
19 States department of education. "Revenue" includes intercollegiate
20 athletics revenue paid directly by an intercollegiate athletic
21 conference, an athletic association, or a source designated by an
22 institution of higher education, an intercollegiate athletic
23 conference, or an athletic association to cover any athletic program
24 expense or to compensate a college athlete for participating in
25 intercollegiate athletics at the institution.

26 (17) "Title IX" means Title IX of the federal education
27 amendments of 1972 (Title 20 U.S.C. 1681 et seq.).

28 NEW SECTION. **Sec. 2.** (1) An institution of higher education
29 shall establish a degree completion fund for its college athletes who
30 receive athletic grants.

31 (2) An institution of higher education shall use degree
32 completion funds to compensate each college athlete who receives an
33 athletic grant at the institution under this chapter.

34 (3) College athletes on the same intercollegiate athletics team
35 at an institution of higher education during the same academic year
36 must be designated an equal payment from that institution's degree
37 completion fund for that academic year.

38 (4) (a) All degree completion funds, up to a maximum of \$25,000,
39 must be paid to each college athlete for the college athlete's

1 participation on the intercollegiate athletics team in an academic
2 year.

3 (b) Commencing on or before July 1, 2025, and every year
4 thereafter, payments described in (a) of this subsection must be made
5 in an amount based on the institution's revenue reported for the
6 previous academic year.

7 (5) An institution of higher education may not use payment
8 designations in its degree completion fund as a reason to reduce or
9 cancel athletic grants provided to any college athlete.

10 (6) (a) All degree completion fund payments determined in
11 subsection (4) (a) of this section must be paid to the college athlete
12 within 60 days of the college athlete earning a baccalaureate degree
13 or submitting proof, as determined by the panel, of having a severe
14 medical condition that prevents the college athlete from completing a
15 baccalaureate degree program.

16 (b) All degree completion fund payments designated for a college
17 athlete who transferred to another institution of higher education or
18 an out-of-state college or university must be paid to the college
19 athlete within 60 days of the college athlete earning a baccalaureate
20 degree or submitting proof, as determined by the panel, of having a
21 severe medical condition that prevents the athlete from completing a
22 baccalaureate degree program.

23 (7) (a) An institution of higher education shall accurately
24 account its aggregate athletic grants and revenue. An institution may
25 not undercount, overcount, or fail to accurately categorize its
26 aggregate athletic grants or revenue.

27 (b) The panel may audit an institution of higher education's
28 aggregate athletic grant and revenue accounting methods, materials,
29 and information to ensure compliance with this section. This audit
30 may include review of the institution's aggregate athletic grant and
31 revenue accounting methods reported by the institution in its
32 previous revenue reports. This subsection may only be implemented in
33 a manner that protects the personally identifiable information of
34 college athletes consistent with state and federal privacy laws.

35 (8) All degree completion fund payments determined in subsection
36 (4) (a) of this section designated for a college athlete must be
37 forfeited if the college athlete does not complete a baccalaureate
38 degree program within six years of college enrollment or submit
39 proof, as determined by the panel, of having a severe medical
40 condition that prevents the college athlete from completing a

1 baccalaureate degree program. All forfeited funds must be deposited
2 in the institution's degree completion fund and used for degree
3 completion fund payments to college athletes pursuant to this
4 section.

5 (9) (a) In making annual degree completion fund payment
6 designations under this section, an institution of higher education
7 shall use all revenue reported for an academic year that exceeds all
8 revenue reported for the 2023 academic year. The institution does not
9 have to pay any remaining fair market value compensation owed to a
10 college athlete into the degree completion fund if all the conditions
11 in this subsection and subsection (11) of this section are satisfied.

12 (i) Except as provided in (a)(vi) of this subsection the
13 institution shall use the difference in revenue calculated under this
14 subsection (9)(a), in its entirety, to make degree completion fund
15 payment designations.

16 (ii) The institution shall make, in aggregate, for an academic
17 year, one-half of the total amount of degree completion fund payment
18 designations for its female college athletes, and one-half of the
19 total amount of degree completion fund payment designations for its
20 male college athletes.

21 (iii) From the portion of the total amount allocated for female
22 college athletes pursuant to (a)(ii) of this subsection, the
23 institution shall make degree completion fund payment designations
24 for female college athletes on each women's intercollegiate athletics
25 team who have not received fair market value compensation for the
26 academic year. In making the degree completion fund payment
27 designations, the institution shall:

28 (A) Determine the percentage of the total fair market value
29 compensation owed to female college athletes on each women's
30 intercollegiate athletics team at the institution that represents the
31 total fair market compensation owed to all female college athletes at
32 the institution, regardless of sport;

33 (B) Ensure that female college athletes on the same women's
34 intercollegiate athletics team, regardless of sport, collectively
35 receive the percentage determined under (a)(iii)(A) of this
36 subsection of the total amount designated for female college athletes
37 under (a)(ii) of this subsection; and

38 (C) Pay each of its female college athletes who receive an
39 athletic grant an equal amount of the portion for female college
40 athletes pursuant to (a)(ii) of this subsection if the portion of the

1 total amount allocated for female college athletes pursuant to
2 (a)(ii) of this subsection exceeds the total aggregate fair market
3 value compensation owed to all female college athletes on women's
4 intercollegiate athletics teams at the institution, regardless of
5 sport.

6 (iv) From the portion of the total amount allocated for male
7 college athletes pursuant to subsection (a)(ii) of this subsection,
8 the institution shall make degree completion fund payment
9 designations for male college athletes on each men's intercollegiate
10 athletics team who have not received fair market compensation. In
11 making the degree completion fund payment designations, the
12 institution shall:

13 (A) Determine the percentage of the total fair market
14 compensation owed to male college athletes on each men's
15 intercollegiate athletics team at the institution that represents the
16 total fair market compensation owed to all male college athletes at
17 the institution, regardless of sport;

18 (B) Ensure that male college athletes on the same men's
19 intercollegiate athletics team, regardless of sport, collectively
20 receive the percentage determined pursuant to (a)(iv)(A) of this
21 subsection of the total amount designated for male college athletes
22 pursuant to (a)(ii) of this subsection; and

23 (C) Pay each of its male college athletes who receive an athletic
24 grant an equal amount of the portion for male college athletes
25 pursuant to (a)(ii) of this subsection if the portion of the total
26 amount allocated for male college athletes pursuant to (a)(ii) of
27 this subsection exceeds the total aggregate fair market value
28 compensation owed to all male college athletes on men's
29 intercollegiate athletics teams at the institution, regardless of
30 sport.

31 (v) Except to comply with (a)(iii) and (iv) of this subsection
32 and subsection (11) of this section, degree completion fund payment
33 designations may not result in any college athlete being designated
34 more than fair market value compensation for any academic year.

35 (vi) Notwithstanding (a)(i) of this subsection, an institution of
36 higher education that gives fair market compensation to all of its
37 male and female college athletes and complies with this section may
38 use any remaining revenue for other purposes as determined by the
39 institution.

1 (vii) An institution may spend institutional funds on
2 intercollegiate athletic expenses without the funds counting as
3 revenue if, within the academic year, the institutional funds are
4 exhausted or the institutional funds are unused and do not remain in
5 an athletic team's or athletic program's budget. This subsection
6 authorizes an institution to increase athletics spending for athletic
7 program needs without including it in revenue directed to degree
8 completion funds pursuant to this section.

9 (viii) The amount of funds that an institution paid for any
10 athletic team's expenses for the 2023 academic year must be included
11 as revenue for that academic year, even if the institution did not
12 count the funds as revenue for that academic year.

13 (ix) Notwithstanding (a)(viii) of this subsection, the amount of
14 funds that an institution paid for any athletic team's nonregular
15 capital expenses for the 2023 academic year may not be included as
16 revenue for that academic year, even if the institution counted the
17 funds as revenue for that academic year.

18 (b) An institution may opt to pay program fees pursuant to this
19 chapter before using revenue described in (a) of this subsection for
20 degree completion fund payment designations for college athletes.

21 (10) Degree completion funds are the property of college athletes
22 and not the property of institutions of higher education.
23 Institutions of higher education shall have a fiduciary duty to their
24 college athletes to manage these funds.

25 (11) Notwithstanding any other subsection of this section, if an
26 institution of higher education deems it necessary, the institution
27 shall adjust the amounts of degree completion fund payment
28 designations to comply with Title IX financial aid proportionality
29 comparisons in athletics. For any adjustment made pursuant to this
30 subsection, the institution shall comply with the following
31 requirements:

32 (a) The aggregate total amount of degree completion fund payment
33 designations made to the institution's college athletes may not be
34 reduced;

35 (b) The institution shall comply with Title IX financial aid
36 proportionality comparisons in athletics independent of degree
37 completion fund payment designations; and

38 (c) On or before January 1, 2025, and every year thereafter, the
39 institution shall publish on its website and submit to the panel a
40 written explanation of why an adjustment made pursuant to this

1 subsection is necessary to comply with Title IX proportionality
2 comparisons in athletics, and include both of the following in this
3 written explanation:

4 (i) Published communications, determinations, and rulings by the
5 office for civil rights used as the basis for the adjustment, as
6 applicable; and

7 (ii) The amount of funds in aggregate and per college athlete
8 directed from college athletes in one sport to college athletes in
9 another sport, the names of each sport involved in the adjustment,
10 and the corresponding fair market value compensation paid to college
11 athletes in each sport involved in the adjustment. This subsection
12 may only be implemented in a manner that protects the personally
13 identifiable information of college athletes consistent with state
14 and federal privacy laws.

15 (12) Degree completion fund payment designations or payments may
16 not serve as evidence of an employment relationship.

17 (13) Within 15 days of making degree completion fund payment
18 designations pursuant to this section, each institution of higher
19 education shall submit annually to the panel a list of all college
20 athletes qualifying for a degree completion fund payment designation,
21 each qualifying college athlete's intercollegiate team, the amount
22 paid to each qualifying college athlete, and the aggregate amount
23 paid to qualifying college athletes by team. This subsection may only
24 be implemented in a manner that protects the personally identifiable
25 information of college athletes consistent with state and federal
26 privacy laws.

27 (14) An institution of higher education and its personnel may not
28 make, or attempt to make, formal or informal agreements, policies, or
29 practices with other institutions of higher education, out-of-state
30 colleges and universities, athletic conferences, and athletic
31 associations or their personnel, or other entities with
32 intercollegiate athletics governance powers, to determine degree
33 completion fund payment amounts to college athletes.

34 (15) This section only applies to an institution of higher
35 education with an intercollegiate sports team that participated in a
36 national collegiate athletic association Division I sport on or after
37 January 1, 2023.

NEW SECTION.

Sec. 3.

(1) An institution of higher education shall distribute a notice to each college athlete at the institution containing the following information:

(a) A college athlete's rights pursuant to Title IX of the federal education amendments of 1972 (Title 20 U.S.C. Sec. 1681 et seq.);

(b) An individual notice stating: "All students have the right to report a sexual assault, without retaliation, to law enforcement, the United States department of justice, the United States department of education's office for civil rights, (insert name of institution) mandated reporters, (insert name of institution) Title IX office, and the program director";

(c) A college athlete's rights pursuant to the federal Jeanne Clery disclosure of campus security policy and campus crime statistics act (Title 20 U.S.C. Sec. 1092(f));

(d) A college athlete's rights under this chapter; and

(e) Any additional rights that Washington affords specifically to college athletes.

(2) The notice distributed pursuant to subsection (1) of this section must contain sufficient information to enable a college athlete to file a complaint for a violation of any of the rights identified in the notice. This information must include, but is not limited to:

(a) The telephone number used by the office for civil rights for complaint reporting intake, and the telephone number of the office for civil rights regional enforcement office;

(b) The internet website address of the office for civil rights online complaint form for Title IX complaint reporting;

(c) The internet website address used by the United States department of education for reporting violations of the federal Jeanne Clery disclosure of campus security policy and campus crime statistics act (Title 20 U.S.C. Sec. 1092(f));

(d) A list of the job classifications employed by the institution that are deemed mandated reporters pursuant to RCW 28B.10.846 and the obligations of these mandated reporters;

(e) The telephone number and internet website address for the program, once the program is operational pursuant to this chapter; and

(f) The telephone number of the United States department of justice.

1 (3) An institution of higher education shall post on campus in
2 conspicuous locations frequented by college athletes including, but
3 not limited to, the institution's athletic training facilities, the
4 notice distributed pursuant to this section.

5 (4) Upon the commencement of each academic year, the institution
6 of higher education shall provide each college athlete a copy of the
7 notice described in this section.

8 NEW SECTION. **Sec. 4.** (1) The Washington college athlete
9 protection program is hereby established as a program in the student
10 achievement council.

11 (2) The Washington college athlete protection panel shall
12 administer the program. The panel is housed in the student
13 achievement council.

14 (a) The 11 member panel is appointed as follows:

15 (i) Five members appointed by the governor;

16 (ii) Three members appointed by the speaker of the house of
17 representatives; and

18 (iii) Three members appointed by the president of the senate.

19 (b) The 11 member panel must consist of at least one former
20 college athlete with experience in college athlete protection
21 advocacy.

22 (3) Panel members must be voluntary positions that receive per
23 diem and paid travel accommodations, as determined by the program
24 director. One member must be appointed by a majority vote of the
25 panel's members to serve as chair of the panel.

26 (4) (a) The student achievement council shall hire and determine
27 compensation for a program director. The director is a full-time
28 position and serves a six-year term that may be renewed with no term
29 limits. The director shall hire additional staff to assist in the
30 implementation and enforcement of this chapter.

31 (b) The program director shall provide panel members with the
32 information necessary to fulfill their duties pursuant to this
33 chapter.

34 (c) The panel shall consult with the program director when
35 establishing program regulations, standards, and policies pursuant to
36 this chapter.

37 (d) The program director may engage with intercollegiate
38 athletics stakeholders, including state and federal legislators and
39 agencies, to provide information and encourage policies and action to

1 support the implementation, operation, and expansion of college
2 athlete rights and protections pursuant to this act.

3 (5) (a) A panel member on the initial 11 member board shall serve
4 a four-year, five-year, or six-year term, as determined by the
5 appointing authority. The 11 member panel's members must serve
6 staggered terms.

7 (b) All subsequent appointments made after the initial 11 member
8 panel is appointed must be six-year terms with no term limits.

9 (c) A panel member and the program director may be reappointed to
10 their position or appointed to a new position pursuant to this
11 subsection.

12 (6) If possible, a panel member and the program director should
13 not have served, within five years of being appointed as a panel
14 member or hired as the program director, respectively, as an
15 affiliated medical personnel, employee, or member of a governing body
16 of an institution of higher education, an out-of-state college or
17 university that has an intercollegiate sports program, an
18 intercollegiate sports conference, or an intercollegiate sports
19 association.

20 (7) The racial, ethnic, gender, and geographic diversity of
21 Washington may be considered by the appointing authority when
22 appointing panel members.

23 (8) The panel may consist of the following subpanels:

24 (a) If established and maintained, the college athlete protection
25 recruiting transparency subpanel, which is encouraged to consist of:

26 (i) One member with expertise in contract law;

27 (ii) One member with expertise in college sports recruiting;

28 (iii) One member with expertise in college athlete publicity
29 rights law; and

30 (iv) One member who is a former college athlete with experience
31 in the recruiting process.

32 (b) If established and maintained, the college athlete protection
33 certification subpanel, which is encouraged to consist of:

34 (i) One member with expertise in sports agent certification;

35 (ii) One member with expertise in financial advising standards;

36 (iii) One member with expertise in marketing standards; and

37 (iv) One member who is a former college athlete with experience
38 in agreements related to college athlete protection certification
39 duties.

1 (c) If established and maintained, the general college athlete
2 protection subpanel, which is encouraged to consist of:

3 (i) One member with expertise in health care administration,
4 medical claims, and the federal health insurance portability and
5 accountability act of 1996;

6 (ii) One member with expertise in compliance with Title IX in
7 athletics;

8 (iii) One member who is a certified public accountant with
9 expertise in corporate financial audits and corporate compliance
10 investigations;

11 (iv) One member with expertise in arbitration;

12 (v) One member with expertise in grievance and appeals processes;
13 and

14 (vi) One member with expertise in producing educational
15 materials.

16 (9) The panel shall have the following enforcement duties and
17 powers:

18 (a) Receive, track, and investigate complaints regarding reported
19 violations of this act;

20 (b) Issue subpoenas, if necessary, to obtain information
21 necessary to carry out its duties pursuant to this act;

22 (c) Require an institution of higher education and out-of-state
23 college or university that is subject to this act to provide athletic
24 grants, make payments for college athlete medical coverage and
25 expenses, and provide other remedies that the panel deems necessary
26 to ensure compliance with this chapter;

27 (d) (i) Refer individuals, institutions of higher education, and
28 out-of-state colleges and universities that are subject to this act
29 who do not comply with a panel penalty or remedy imposed pursuant to
30 subsection (10) of this section to the attorney general for
31 prosecution, as appropriate;

32 (ii) The attorney general may prosecute individuals and entities
33 that do not comply with a panel penalty or remedy, as appropriate;

34 (e) Determine the best practices guidelines, policies, or other
35 informational materials that may benefit high school athletes and
36 high school sports programs, and make them available and easily
37 accessible to the public;

38 (f) At its discretion, implement collaborative and cost-reduction
39 efforts with other states, local governments, intercollegiate sports
40 conferences, intercollegiate sports associations, or other

1 stakeholders to help protect the well-being of intercollegiate
2 athletes in other states;

3 (g) Hold quarterly meetings;

4 (h) Distribute, on or before December 1, 2025, and each year
5 thereafter, an annual report to each institution of higher education,
6 intercollegiate athletic conference, athletic association, and the
7 legislature pursuant to RCW 43.01.036, on the state of college
8 athlete protections established pursuant to this chapter;

9 (i) Communicate with the legislature about ways to improve this
10 chapter; and

11 (j) Upon appropriation by the legislature, use funds in the fund
12 to execute its duties and powers under this act.

13 (10)(a) In addition to any other remedy or penalty authorized by
14 law, individuals who violate this act may be subject to remedies and
15 penalties established pursuant to regulations adopted by the panel.
16 These regulations must include a system to appeal the panel's
17 rulings. Penalties and remedies established by the panel may include
18 one or more of the following:

19 (i) Training to help prevent future violations;

20 (ii) Temporary or permanent prohibition from being involved in
21 intercollegiate athletics at any institution of higher education; and

22 (iii) Other penalties and remedies imposed by the panel.

23 (b) The panel shall consider the following factors when imposing
24 penalties and remedies for a violation of this act:

25 (i) The number and duration of violations;

26 (ii) Whether the violation was the result of an intentional or
27 negligent action; and

28 (iii) The nature and extent of harm caused by the violation.

29 NEW SECTION. **Sec. 5.** (1)(a) An institution of higher education
30 that reports \$20,000,000 or more in annual revenue to the United
31 States department of education is financially responsible for the
32 out-of-pocket sports-related medical expenses of each college athlete
33 at the institution, and during the two-year period beginning on the
34 date on which the college athlete officially becomes a former college
35 athlete.

36 (b) The liability in (a) of this subsection does not apply to a
37 college athlete who transfers to another institution of higher
38 education or out-of-state college or university and participates on
39 an intercollegiate athletics team at that institution.

1 (c) The liability in (a) of this subsection does not apply to a
2 college athlete's medical expenses for medical conditions unrelated
3 to the college athlete's intercollegiate sports participation that
4 arise after the expiration of the college athlete's intercollegiate
5 athletics eligibility.

6 (2)(a) An institution of higher education that reports
7 \$50,000,000 or more in annual revenue to the United States department
8 of education shall:

9 (i) Offer nationally portable primary medical insurance to each
10 college athlete who is enrolled at the institution. The institution
11 must pay for this insurance. The institution may not discourage a
12 college athlete from accepting this insurance; and

13 (ii) Pay the out-of-pocket sports-related medical expenses of
14 each college athlete at the institution, and during the four-year
15 period beginning on the date the college athlete officially becomes a
16 former college athlete.

17 (b) The requirements in (a) of this subsection do not apply to a
18 college athlete that transfers to another institution of higher
19 education or out-of-state college or university and participates on
20 an intercollegiate athletics team at that institution.

21 (c) The requirements in (a) of this subsection do not apply to a
22 college athlete's medical expenses for medical conditions unrelated
23 to the college athlete's intercollegiate sports participation that
24 arise after the expiration of the college athlete's intercollegiate
25 athletics eligibility.

26 (3) If a college athlete at an institution of higher education
27 that is responsible for the college athlete's medical expenses
28 pursuant to subsection (1) or (2) of this section chooses to receive
29 medical care that is not provided pursuant to subsection (1) or (2)
30 of this section or is not otherwise provided or paid for by the
31 institution, the institution shall offer to the college athlete to
32 pay an amount that is the lesser of the following:

33 (a) The out-of-pocket expenses for that medical care; or

34 (b) The amount the institution would have paid if the college
35 athlete had received the medical care provided or paid for by the
36 institution.

37 (4)(a) An institution of higher education shall pay for a college
38 athlete to obtain an independent second opinion on an athletic
39 program-related injury or medical condition endured by the college
40 athlete.

1 (b) Institution of higher education personnel and affiliated
2 medical personnel may not withhold a college athlete's medical or
3 athletic training records if the college athlete requests that those
4 records be released to obtain an independent second opinion pursuant
5 to (a) of this subsection, or otherwise impede a college athlete's
6 right to obtain an independent second opinion pursuant to (a) of this
7 subsection.

8 (5)(a) No later than three days after the end of a college
9 athlete's team's season in the final year of the college athlete's
10 intercollegiate athletics eligibility, or in the case of a transfer,
11 no later than three days after the institution's receipt of a college
12 athlete's notice of intent to transfer to another college or
13 university, an institution of higher education shall provide the
14 college athlete notice of, and an opportunity to undergo, a physical
15 examination within or independent of the institution for the purpose
16 of diagnosing an athletic program-related injury or medical
17 condition.

18 (b) Institution of higher education personnel and affiliated
19 medical personnel may not discourage a college athlete or former
20 college athlete from obtaining a physical examination pursuant to (a)
21 of this subsection.

22 (c) A former college athlete must be provided no less than 60
23 days to complete a physical examination pursuant to (a) of this
24 subsection.

25 NEW SECTION. **Sec. 6.** (1)(a) An institution of higher education
26 that provides a college athlete with an athletic grant shall provide
27 the college athlete with an athletic grant for each subsequent year
28 in which the college athlete is enrolled at the institution for up to
29 six academic years of college attendance, or until the college
30 athlete receives a baccalaureate degree from the institution,
31 whichever occurs first. The athletic grant must be provided
32 regardless of the college athlete's lack of participation due to
33 injury or poor athletic performance on an intercollegiate athletics
34 team at the institution.

35 (b) The amount of an athletic grant provided to a college athlete
36 each subsequent award year must be no less than the sum of the amount
37 of the athletic grant provided to the college athlete for the
38 previous year plus the amount of any increase in the cost of

1 attendance at the institution from the previous year to the
2 subsequent award year.

3 (2) (a) A college athlete who transfers to an institution of
4 higher education must receive an athletic grant in an amount
5 determined pursuant to subsection (1) of this section for up to one
6 academic year beyond the college athlete's remaining intercollegiate
7 athletics eligibility in which the college athlete is enrolled at the
8 institution, or until the college athlete receives a baccalaureate
9 degree from the institution, whichever occurs first.

10 (b) Unless a college athlete is granted a leave of absence in
11 accordance with the institution of higher education's leave of
12 absence policies that apply to the general student body, subsection
13 (1) of this section only applies to a college athlete who is enrolled
14 as a full-time or part-time student for each regular academic term of
15 an award year.

16 (c) Subsection (1) of this section does not apply to a college
17 athlete who provides a written notice of voluntary withdrawal from an
18 intercollegiate athletics team at the institution, or who fails to
19 consistently participate in mandatory team athletics activities for
20 nonmedical reasons after having been fully informed that the
21 athlete's participation in those activities is mandatory.

22 (d) Subsection (1) of this section does not apply to a college
23 athlete who:

24 (i) Is found by the institution of higher education to have
25 committed academic fraud or other misconduct that would ordinarily
26 result in expulsion;

27 (ii) Earns a grade point average of less than the grade point
28 average required for the college athlete to maintain intercollegiate
29 athletics eligibility for two or more semesters;

30 (iii) Fails to meet intercollegiate athletic association progress
31 toward degree completion requirements; or

32 (iv) Is found guilty of a criminal act by a court.

33 (3) Subsections (1) and (2) of this section apply only to an
34 institution of higher education with an intercollegiate sports team
35 that participated in a national collegiate athletic association
36 Division I sport on or after January 1, 2023.

37 (4) An individual employed by or volunteering for an athletic
38 program at an institution of higher education may not:

39 (a) Attempt to discourage or in any way punish a college athlete
40 from selecting a course or an academic major unless it prevents the

1 college athlete from intercollegiate athletic association progress
2 towards baccalaureate or postgraduate degree completion; or

3 (b) Punish, reduce intercollegiate athletics eligibility, or
4 otherwise retaliate against a college athlete based on the college
5 athlete's selection of any course, academic major, or baccalaureate
6 or postgraduate degree program at the institution.

7 (5) An individual employed by an athletic program at an
8 institution of higher education may not interfere with or discourage
9 any college athlete from securing employment or internships,
10 participating in student groups or events, or serving as a volunteer
11 so long as those activities do not interfere with mandatory class
12 time, examination periods, or the athletic program's mandatory team
13 activities.

14 (6) An institution of higher education may not comply with any
15 athletic association's or athletic conference's policy that does not
16 count completed high school financial education and personal finance
17 coursework toward athletic eligibility standards for incoming college
18 athletes.

19 (7) An institution of higher education may not reduce any
20 discretionary revenue during the academic year below the
21 discretionary revenue reported for the 2022-23 academic year.

22 (8) An institution of higher education may not reduce any
23 aggregate funds for any college athlete's academic, medical, mental
24 health, athletic training, or nutritional support, eliminate roster
25 slots on any intercollegiate athletics team, reduce aggregate
26 athletic grant amounts, or eliminate any intercollegiate athletics
27 sport entirely that existed during the 2022-23 academic year.

28 (9) Subsections (7) and (8) of this section do not apply to an
29 institution of higher education that is unable to generate, for an
30 academic year, all revenue in an amount that meets or exceeds all
31 revenue reported for the 2022-23 academic year due to war, civil
32 unrest, or fire, flood, or other unforeseen disaster or cause beyond
33 the institution's control as determined by the panel.

34 NEW SECTION. **Sec. 7.** (1)(a) An institution of higher education
35 or an out-of-state college or university conducting college athlete
36 recruiting activities in the state shall submit, as determined by the
37 panel or, if established and maintained, the recruiting transparency
38 subpanel, the following information to the panel or subpanel:

1 (i) A complete list of companies and industries that the
2 institution prohibits a prospective college athlete from entering
3 into a name, image, and likeness agreement with as a college athlete
4 or intercollegiate athlete;

5 (ii) Whether the institution of higher education or out-of-state
6 college or university may interfere with or otherwise attempt to
7 influence a prospective college athlete's, college athlete's, or
8 intercollegiate athlete's choice of athlete representation;

9 (iii) Whether the institution of higher education or out-of-state
10 college or university may limit a prospective athlete's, college
11 athlete's, or intercollegiate athlete's representation to name,
12 image, and likeness activities; and

13 (iv) Whether the institution of higher education or out-of-state
14 college or university receives any payment or benefit from an
15 individual or entity in exchange for granting the individual or
16 entity access to their college athletes or intercollegiate athletes
17 for any name, image, and likeness-related purpose.

18 (b) The panel or, if established and maintained, the recruiting
19 transparency subpanel, shall solicit the information described in
20 subsection (1) of this section and post information obtained on a
21 publicly accessible website for prospective college athletes, college
22 athletes, and intercollegiate athletes. The information described in
23 subsection (1) of this section must be regularly updated.

24 (2) An institution of higher education may only use a document
25 created by the panel or, if established and maintained, the
26 recruiting transparency subpanel to offer an athletic grant or
27 intercollegiate athletics participation opportunity to a prospective
28 college athlete. A document developed pursuant to this section may be
29 annually updated by the panel or, if established and maintained, the
30 recruiting transparency subpanel and must include, but is not limited
31 to, the following disclosures:

32 (a) The amount of intercollegiate sports grants to be offered to
33 the prospective college athlete, relative to the most recent cost of
34 attendance at the institution, for each academic year of the
35 prospective athlete's intercollegiate athletics eligibility;

36 (b) The total amount of possible annual education-related
37 compensation allowable in accordance with the United States supreme
38 court decision in *National Collegiate Athletic Association v. Alston*,
39 141 S. Ct. 2141 (2021) and the annual amount of education-related
40 compensation to be offered to the prospective college athlete at the

1 institution throughout the prospective college athlete's
2 intercollegiate athletics eligibility;

3 (c) The amount of an intercollegiate sports grant, if any, that
4 will be provided to assist the prospective college athlete with
5 undergraduate and graduate school degree completion at the
6 institution following the expiration of the college athlete's
7 intercollegiate athletics eligibility;

8 (d) The percentage of comprehensive medical coverage, including
9 any minimum required coverage to participate in intercollegiate
10 athletics and enroll as a student at the institution, that will be
11 paid for by the institution throughout the college athlete's
12 intercollegiate athletics eligibility;

13 (e) The percentage of any out-of-pocket sports-related medical
14 expenses, including deductibles, copays, and coinsurance, that will
15 be paid by the institution during the college athlete's
16 intercollegiate athletics eligibility, and the duration for which
17 those expenses will be covered after the prospective athlete's
18 intercollegiate athletics eligibility expires. The percentage of out-
19 of-pocket sports-related medical expenses covered by the
20 institution's in-network and out-of-network services must be stated
21 on the panel's website pursuant to this section;

22 (f) Whether the institution will pay for a disability insurance
23 policy for the college athlete in order to cover any future loss of
24 earnings by the athlete due to a sports-related injury or medical
25 condition, and any limits to that policy's benefits or coverage,
26 including the maximum possible benefits based on similarly situated
27 college athletes;

28 (g) A list of all colleges and universities, if any, that the
29 institution will not allow the athlete to freely transfer to once the
30 agreement to attend the institution is executed; and

31 (h) The information described in subsection (1) of this section,
32 as determined by the panel or, if established and maintained, the
33 recruiting transparency subpanel, at the beginning of the first page
34 of a document provided to a college athlete pursuant to this
35 subsection.

36 (3) This section does not prohibit an institution of higher
37 education or out-of-state college or university that is subject to
38 this section from providing protections or benefits that exceed those
39 required by this section.

1 NEW SECTION. **Sec. 8.** (1) The panel or, if established and
2 maintained, the certification subpanel, shall certify an individual
3 or entity to provide intercollegiate athletics agent, marketing, and
4 financial advising services to college athletes.

5 (2) No later than six months after the launch of the panel's or,
6 if established and maintained, the certification subpanel's,
7 certification operations, an individual or entity may not provide
8 intercollegiate athletics agent, marketing, or financial advising
9 services to college athletes without the panel or, if established and
10 maintained, the certification subpanel's certified approval or
11 receipt of other certification to provide those services established
12 under law.

13 (3) The panel or, if established and maintained, the
14 certification subpanel shall develop and adopt standards to:

15 (a) Certify:

16 (i) College athlete agents;

17 (ii) Agencies and entities that employ college athlete agents;

18 (iii) Attorneys that represent college athletes in name, image,
19 and likeness contracts. This subsection (1)(a)(iii) does not replace
20 or preempt any other state or local regulation of attorneys in the
21 state; and

22 (iv) Individuals and entities that provide financial advising or
23 marketing services to college athletes. This subsection (1)(a)(iv)
24 does not replace or preempt any federal, state, or local regulation
25 of financial advising or marketing services in the state;

26 (b) Revoke certifications provided pursuant (a) of this
27 subsection; and

28 (c) Protect college athletes from unfair fees and conditions for
29 intercollegiate athletics agent, marketing, and financial advising
30 services.

31 (4)(a) The panel or, if established and maintained, the
32 certification subpanel may assess certification fees, certification
33 renewal fees, fines, and penalties on individuals and entities that
34 do not comply with the standards developed and adopted pursuant to
35 subsection (3) of this section. Fees assessed by the panel or, if
36 established and maintained, the certification subpanel pursuant to
37 this section must not exceed the reasonable regulatory costs incurred
38 by the panel or, if established and maintained, the certification
39 subpanel incident to issuing certifications, performing
40 investigations, inspections, and audits related to certification, and

1 the administrative enforcement and adjudication of the certification
2 process.

3 (b) The panel or, if established and maintained, the
4 certification subpanel shall develop an appeals process for an
5 individual or entity to challenge a certification denial or
6 revocation or any fee, fine, or penalty levied against the individual
7 or entity pursuant to (a) of this subsection.

8 (c) Fees and fines collected pursuant to this subsection (4) must
9 be deposited in the fund established in section 13 of this act.

10 (5) The panel or, if established and maintained, the
11 certification subpanel may not adopt a standard pursuant to this
12 section that requires an individual to have a baccalaureate degree,
13 an associate's degree, or a graduate degree to provide athletic
14 agency, marketing, or financial advising services to college
15 athletes.

16 (6) Notwithstanding any other provision of this chapter, the
17 panel or, if established and maintained, the certification subpanel
18 may authorize individuals and entities who have college athlete
19 representation certifications issued by other states or entities to
20 operate as college athlete representatives without obtaining
21 certification from the panel or, if established and maintained, the
22 certification subpanel or paying certification fees assessed by the
23 panel or, if established and maintained, the certification subpanel.

24 (a) The panel or, if established and maintained, the
25 certification subpanel may enter into collaborative college athlete
26 certification program agreements with other states or entities.

27 (b) To prevent conflicts of interest, the panel or, if
28 established and maintained, the certification subpanel may not
29 certify college athlete representation provided by an institution of
30 higher education, an out-of-state college or university, an
31 intercollegiate athletic conference, or an athletic association.

32 (7) The panel or, if established and maintained, the
33 certification subpanel shall adopt regulations for purposes of
34 implementing and enforcing this chapter, as necessary.

35 NEW SECTION. **Sec. 9.** (1) On or before January 15, 2025, and
36 annually thereafter, each institution of higher education with an
37 intercollegiate sports team that participated in a national
38 collegiate athletic association Division I sport on or after January
39 1, 2023, shall pay an annual fee to the student achievement council,

1 in an amount determined by the panel pursuant to subsection (2) of
2 this section, to cover the reasonable regulatory costs of the
3 program. The annual fees collected pursuant to this section must not
4 exceed \$7,000,000 in aggregate per year. The panel may increase the
5 annual fee limit to account for inflation. The annual fees must be
6 deposited in the fund established in section 13 of this act.

7 (2) The panel shall base the annual fees on each institution's
8 total athletics revenue in the most recently published report that
9 was submitted pursuant to the federal equity in athletics disclosure
10 act to the United States department of education. The panel shall
11 establish the annual fees pursuant to the following requirements, and
12 may adjust these fees, without exceeding the annual aggregate limit
13 determined pursuant to subsection (1) of this section:

14 (a) Institutions of higher education with athletics revenue of
15 less than \$2,499,999 shall each pay an annual fee of up to \$100;

16 (b) Institutions of higher education with athletics revenue
17 between \$2,500,000 and \$19,999,999, inclusive, shall each pay an
18 annual fee of up to 0.01 percent of their total athletics revenue
19 from the previous year;

20 (c) Institutions of higher education with athletics revenue
21 between \$20,000,000 and \$29,999,999, inclusive, shall each pay an
22 annual fee of up to 0.1 percent of their total athletics revenue from
23 the previous year;

24 (d) Institutions of higher education with athletics revenue
25 between \$30,000,000 and \$59,999,999, inclusive, shall each pay an
26 annual fee of up to 0.3 percent of their total athletics revenue from
27 the previous year;

28 (e) Institutions of higher education with athletics revenue of at
29 least \$60,000,000 shall each pay an annual fee of up to 1.3 percent
30 of their total athletics revenue from the previous year; and

31 (f) Notwithstanding (a) through (e) of this subsection, two-year
32 institutions of higher education shall each pay an annual fee of up
33 to \$100.

34 (3)(a) Notwithstanding subsections (1) and (2) of this section,
35 for the first year in which an annual fee is assessed on institutions
36 of higher education, an institution of higher education's annual fee
37 must be the maximum amount that may be assessed to the institution
38 pursuant to subsection (2) of this section.

39 (b)(i) If the total amount of annual fees collected pursuant to
40 (a) of this subsection exceeds the reasonable regulatory costs of the

1 program, up to \$7,000,000, the program director shall return from the
2 fund, upon appropriation by the legislature, one-half of the annual
3 fee paid by institutions of higher education pursuant to the
4 following priority schedule until the total amount exceeding the
5 reasonable regulatory costs of the program, up to \$7,000,000, is
6 returned:

7 (A) Institutions described in subsection (2)(a) and (f) of this
8 section receive first priority;

9 (B) Institutions described in subsection (2)(b) of this section
10 receive second priority;

11 (C) Institutions described in subsection (2)(c) of this section
12 receive third priority;

13 (D) Institutions described in subsection (2)(d) of this section
14 receive fourth priority; and

15 (E) Institutions described in subsection (2)(e) of this section
16 receive fifth priority.

17 (ii) It is the intent of the legislature that the program
18 director return annual fees pursuant to this subsection within 60
19 days of being hired.

20 NEW SECTION. **Sec. 10.** (1) Each institution of higher education
21 with an intercollegiate sports team that participated in a national
22 collegiate athletic association Division I sport on or after January
23 1, 2023, shall administer a standalone financial and life skills
24 development workshop program that each college athlete at the
25 institution must attend during the college athlete's first and third
26 year of participation in an athletics program at the institution.

27 (2) A program developed pursuant to this section must include,
28 but is not limited to, information on:

29 (a) The rights of college athletes under this act; and

30 (b) State and federal tax information, including name, image, and
31 likeness-related taxes, time management skills, personal budgeting,
32 debt management, credit management, and interest rates information.

33 (3) A program developed pursuant to this section may not include
34 any marketing, advertising, referral, or solicitation by providers of
35 commercial products or services.

36 NEW SECTION. **Sec. 11.** An institution of higher education may
37 not uphold any rule, requirement, standard, or other limitation that

1 prevents a college athlete at the institution from fully
2 participating in intercollegiate athletics for any of the following:

3 (1) For receiving food, shelter, medical expenses, or medical or
4 disability insurance from any source;

5 (2) For receiving payment to cover expenses, direct provisions,
6 or in-kind benefits from any source for purposes of transportation,
7 room, board, and incidentals at college, or for purposes of meeting
8 with legislators, providing testimony, or meeting with government
9 agencies regarding intercollegiate athletics; or

10 (3) For a college athlete's family member or friend receiving
11 payment, direct provisions, or in-kind benefits from any source for
12 transportation, room, board, and incidentals to reasonably support
13 the college athlete during any period in which the college athlete is
14 addressing a physical or mental health concern.

15 NEW SECTION. **Sec. 12.** (1) An institution of higher education
16 and the institution's employees, coaches, and affiliated medical
17 personnel may not retaliate against a college athlete for filing a
18 complaint or reporting a violation of a college athlete's rights
19 under this act.

20 (2) For purposes of this act, "retaliation" includes:

21 (a) A reduction in or loss of playing time that is not justified
22 by objective measures of athletic performance or compliance with team
23 or the institution of higher education's policies that do not
24 conflict with this act or any federal or state laws;

25 (b) A reduction in or loss of any education benefits, including
26 athletic grants, merit-based scholarships, or any other compensation;

27 (c) A reduction in or loss of any meal benefits provided to the
28 college athlete;

29 (d) A reduction in or loss of any housing benefits provided to
30 the college athlete, including the relocation of the college
31 athlete's housing owned by the institution of higher education;

32 (e) A reduction in or loss of athletics or team communications,
33 academic support or records, access to training facilities, or
34 medical treatment;

35 (f) Pressure to not file a complaint or to withdraw a complaint;
36 or

37 (g) Threats, ridicule, or physical punishment.

1 NEW SECTION. **Sec. 13.** The Washington college athlete protection
2 fund is hereby established in the custody of the state treasurer. The
3 panel shall administer the fund. The fund serves as the repository
4 for all moneys appropriated or collected pursuant to this act, except
5 for moneys described in section 2 of this act. Moneys in the fund may
6 be used, upon appropriation by the legislature, by the panel or a
7 subpanel established pursuant to section 4 of this act for purposes
8 of implementing and enforcing this act. Up to five percent of moneys
9 in the fund, unless otherwise encumbered, may be used, upon
10 appropriation by the legislature, by the panel or a subpanel
11 established pursuant to section 4 of this act for administrative
12 costs of implementing and enforcing this act.

13 NEW SECTION. **Sec. 14.** The student achievement council may adopt
14 and amend rules as necessary to implement this chapter.

15 NEW SECTION. **Sec. 15.** This chapter does not limit the
16 enforcement authority of any state or federal agency or shield
17 violators of this act from liability.

18 NEW SECTION. **Sec. 16.** This act may be known and cited as the
19 college athlete protection act.

20 NEW SECTION. **Sec. 17.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 18.** Sections 1 through 16 of this act
25 constitute a new chapter in Title 28B RCW.

26 **Sec. 19.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023
27 c 380 s 6, 2023 c 170 s 19, and 2023 c 12 s 2 are each reenacted and
28 amended to read as follows:

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

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

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

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

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

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

38 (c) The following accounts and funds must receive 80 percent of
39 their proportionate share of earnings based upon each account's or
40 fund's average daily balance for the period: The advance right-of-way

1 revolving fund, the advanced environmental mitigation revolving
2 account, the federal narcotics asset forfeitures account, the high
3 occupancy vehicle account, the local rail service assistance account,
4 and the miscellaneous transportation programs account.

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

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

15 **Sec. 20.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023
16 c 380 s 6, 2023 c 213 s 9, 2023 c 170 s 19, and 2023 c 12 s 2 are
17 each reenacted and amended to read as follows:

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

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

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

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

37 (b) The following accounts and funds must receive their
38 proportionate share of earnings based upon each account's or fund's
39 average daily balance for the period: The 24/7 sobriety account, the

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

1 revolving fund, the children's trust fund, the Washington horse
2 racing commission Washington bred owners' bonus fund and breeder
3 awards account, the Washington horse racing commission class C purse
4 fund account, the individual development account program account, the
5 Washington horse racing commission operating account, the life
6 sciences discovery fund, the Washington state library-archives
7 building account, the reduced cigarette ignition propensity account,
8 the center for deaf and hard of hearing youth account, the school for
9 the blind account, the Millersylvania park trust fund, the public
10 employees' and retirees' insurance reserve fund, the school
11 employees' benefits board insurance reserve fund, the public
12 employees' and retirees' insurance account, the school employees'
13 insurance account, the long-term services and supports trust account,
14 the radiation perpetual maintenance fund, the Indian health
15 improvement reinvestment account, the department of licensing tuition
16 recovery trust fund, the student achievement council tuition recovery
17 trust fund, the tuition recovery trust fund, the industrial insurance
18 premium refund account, the mobile home park relocation fund, the
19 natural resources deposit fund, the Washington state health insurance
20 pool account, the federal forest revolving account, and the library
21 operations account.

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

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

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

1 **Sec. 21.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023
2 c 380 s 6, 2023 c 213 s 9, and 2023 c 12 s 2 are each reenacted and
3 amended to read as follows:

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

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

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

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

23 (b) The following accounts and funds must receive their
24 proportionate share of earnings based upon each account's or fund's
25 average daily balance for the period: The 24/7 sobriety account, the
26 Washington promise scholarship account, the Gina Grant Bull memorial
27 legislative page scholarship account, the Rosa Franklin legislative
28 internship program scholarship account, the Washington advanced
29 college tuition payment program account, the Washington college
30 savings program account, the accessible communities account, the
31 Washington achieving a better life experience program account, the
32 Washington career and college pathways innovation challenge program
33 account, the community and technical college innovation account, the
34 Washington college athlete protection fund, the agricultural local
35 fund, the American Indian scholarship endowment fund, the behavioral
36 health loan repayment program account, the Billy Frank Jr. national
37 statutory hall collection fund, the foster care scholarship endowment
38 fund, the foster care endowed scholarship trust fund, the contract
39 harvesting revolving account, the Washington state combined fund
40 drive account, the commemorative works account, the county 911 excise

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

1 trust fund, the tuition recovery trust fund, the industrial insurance
2 premium refund account, the mobile home park relocation fund, the
3 natural resources deposit fund, the Washington state health insurance
4 pool account, the federal forest revolving account, and the library
5 operations account.

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

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

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

23 NEW SECTION. **Sec. 22.** (1) Section 19 of this act expires July
24 1, 2024.

25 (2) Section 20 of this act expires July 1, 2030.

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

28 (2) Section 21 of this act takes effect July 1, 2030.

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