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SENATE BILL 5203

State of Washington 69th Legislature 2025 Regular Session

By Senators Salomon, Shewmake, Cortes, Hasegawa, Liias, and Nobles

Prefiled 01/09/25. Read first time 01/13/25. Referred to Committee on Transportation.

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

- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 NEW SECTION. Sec. 1. (1) The legislature finds that:
- (a) Vehicle collisions kill over 5,000 deer and 300 elk, hundreds of black bears, cougars, bobcats, and coyotes, and tens of thousands of small mammals and amphibians in Washington state per year. Such loss depletes the state's natural heritage, depriving residents of wildlife watching and hunting opportunities, and weakening ecosystem functions required to support human well-being;
 - (b) Wildlife vehicle collisions with deer and elk alone cost Washington residents over \$74,000,000 per year in lost work from injury, medical treatment, vehicle damage, emergency response, and insurance payouts. This does not include the cost of lost wildlife;
 - (c) Human development and roads cause loss and fragmentation of habitat, reducing the total area and quality of habitat available to

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Washington state's wildlife populations, and impeding normal patterns of movement that wildlife need to meet their daily, seasonal, and long-term life history and population viability needs. For example, Washington state lost over 1.1 million acres of forestland to other uses between 1978 and 2019, and over 80 percent of shrub-steppe habitat has been lost since European settlement;

- (d) Climate change is already causing wildlife populations to shift home ranges in search of more suitable habitats. Fragmented landscapes with barriers to movement make it more difficult for wildlife to meet their normal needs and to adapt to climate change;
- (e) Preventing the loss of remaining intact landscape corridors and vulnerable core habitats is crucial for preventing large-scale loss of Washington's biological diversity;
- (f) The state of Washington and partners have built wildlife crossing structures over and under Interstate 90 and retrofitted one underpass on United States route 97. These structures have reduced wildlife-vehicle collisions by 90 percent in the areas near the crossing structures, showing that this is an effective method of improving wildlife habitat connectivity and public safety; and
- (g) The state of Washington has developed some of the best wildlife habitat connectivity science in the United States. The department of fish and wildlife, in consultation with the department of transportation, has begun to develop the Washington habitat connectivity action plan to synthesize that science and propose priority actions to protect habitat connectivity corridors and facilitate passage of wildlife across the state's highways.
- (2) Therefore, it is the intent of the legislature to direct the departments of fish and wildlife and transportation, in cooperation with other state agencies as needed, to identify and protect wildlife habitat connectivity corridors and build appropriate crossing structures to preserve the natural heritage of the state and to improve highway safety by reducing wildlife vehicle collisions.
- NEW SECTION. Sec. 2. A new section is added to chapter 47.04 RCW to read as follows:
 - (1) The department and the department of fish and wildlife shall develop an integrated strategy to implement and periodically update the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife. In developing their integrated wildlife habitat connectivity strategy, the department and the

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- department of fish and wildlife shall consult with tribal governments, federal agencies, and nongovernmental partners representing nonprofit conservation organizations and academia, for recommending funding strategies and priorities to the legislature, and developing agency budget requests.
 - (2) The integrated wildlife habitat connectivity strategy should include the following objectives:

- (a) Help advance projects that provide safe passage for wildlife and the traveling public;
- 10 (b) Enhance or maintain ecological connectivity for Washington's 11 fish and wildlife species;
 - (c) Bring together state and federal agencies, tribal governments, and a diverse cadre of nongovernmental partners that represent academia, nonprofit organizations, and biological and engineering sciences in the furtherance of this purpose; and
 - (d) Establish a framework for prioritization, oversight, and funding recommendations related to implementing the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife, and the utilization of funds in the Washington wildlife corridors and Washington wildlife crossings accounts in sections 3 and 4 of this act.
- NEW SECTION. Sec. 3. A new section is added to chapter 77.36 RCW to read as follows:
 - (1) The Washington wildlife corridors account is created in the state treasury. The account may receive moneys appropriated to the account from the general fund and the capital appropriations act and other funding sources as directed or appropriated by the legislature. Private donations may be made to the account. Moneys in the account may be spent only after appropriation.
 - (2) Expenditures from the account may be used for implementation of strategic activities that promote the protection and management of wildlife corridors as identified in the Washington wildlife habitat connectivity action plan developed by the department pursuant to section 308(29), chapter 475, Laws of 2023 including, but not limited to:
 - (a) The purchase of land or interest in land through voluntary conservation easements to protect habitat within key connectivity corridors guided by the Washington wildlife habitat connectivity action plan developed by the department;

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1 (b) Landowner assistance programs including fencing removal and 2 invasive weed control and other habitat restoration activities within 3 corridors;

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- (c) Required updates under sections 2 and 5 of this act to the Washington wildlife habitat connectivity action plan; and
- (d) Department administrative and personnel staffing needs for implementation of the Washington wildlife habitat connectivity action plan.
- 9 (3) Biennial spending plans shall be developed consistently with 10 the integrated wildlife habitat connectivity strategy directed in 11 section 2 of this act.
- (4) Beginning in 2026, the department of transportation and the 12 department of fish and wildlife shall jointly report by June 30th of 13 each even-numbered year, in accordance with RCW 43.01.036, to the 14 appropriate committees of the legislature, the governor's office, and 15 16 the fish and wildlife commission on expenditures from the account and 17 how the expenditures have furthered implementation of the Washington wildlife habitat connectivity action plan; and additional funding 18 necessary to accomplish the goals of the Washington wildlife habitat 19 connectivity action plan, including estimates for agency staffing 20 21 needs, matching funds for federal grant opportunities, and other allowable expenditures specified in this section and section 4 of 22 23 this act.
- NEW SECTION. Sec. 4. A new section is added to chapter 46.68 RCW to read as follows:
 - (1) The Washington wildlife crossings account is created in the state treasury. The account may receive moneys appropriated to the account from the transportation appropriations act and other funding sources as directed by the legislature. Private donations may be made to the account. Moneys in the account may be spent only after appropriation.
 - (2) Expenditures from the account may be used for the design, construction, identification, restoration, and protection of wildlife crossings and other highway features to reduce wildlife-vehicle collisions and habitat fragmentation in this state. Authorized uses of funds in the account include but are not limited to:
 - (a) Conducting feasibility studies, planning, engineering design, construction of crossing structures, retrofits, fencing, wildlife jump-outs, and other features for crossing structures identified as

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priorities in the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife;

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- (b) Using as match for federal grants to construct wildlife crossing structures;
- (c) Incorporating wildlife connectivity features into the design and construction of fish passage projects where appropriate;
- (d) Conducting monitoring studies of the effectiveness of constructed crossing structures at facilitating wildlife movement and reducing wildlife-vehicle collisions; and
- (e) Department administrative and personnel staffing needs related to the design, construction, maintenance, identification, restoration, monitoring, and protection of wildlife crossings and other related highway features.
- (3) Biennial spending priorities for constructing wildlife crossing structures shall be developed consistently with the integrated wildlife habitat connectivity strategy directed in section 2 of this act.
- (4) Beginning in 2026, the department of transportation and the department of fish and wildlife shall jointly report by June 30th of each even-numbered year, in accordance with RCW 43.01.036, to the appropriate committees of the legislature and the governor's office on expenditures from the account and how the expenditures have furthered implementation of the Washington wildlife habitat connectivity action plan developed by the department of fish and wildlife; and additional funding necessary to accomplish the goals of the Washington wildlife habitat connectivity action plan, including estimates for agency staffing needs, matching funds for federal grant opportunities, and other allowable expenditures specified in this section and section 3 of this act.
- NEW SECTION. Sec. 5. A new section is added to chapter 77.04
 RCW to read as follows:
- The department shall take the following actions to implement its Washington wildlife habitat connectivity action plan:
- 34 (1) Develop strategies for habitat protection and restoration in 35 priority corridors including, but not limited to:
- 36 (a) Recommendations and cost estimates on the purchase of 37 conservation easements by the department or other appropriate state 38 agencies or nonprofit land trusts;

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1 (b) Incorporation of mapped connectivity corridors in the 2 priority habitats and species program;

- (c) Providing county planning departments with appropriate habitat connectivity data to support the development of and updates to comprehensive plans and open space policies; and
 - (d) Conducting outreach and education with private landowners;
- (2) Update the Washington wildlife habitat connectivity action plan every six years based on actions accomplished in the prior period, and incorporating new science and other relevant technical and policy information. In the course of preparing updates to the Washington wildlife habitat connectivity action plan, the department shall consult with the department of transportation, tribes, interested stakeholders, and academic institutions;
- (3) Prepare biennial reports to the appropriate committees of the legislature regarding progress on implementation of the Washington wildlife habitat connectivity action plan and funding needs to accomplish the plan's goals; and
- 18 (4) Nothing in this section conveys additional authority to the 19 department regarding regulation of land use.
- **Sec. 6.** RCW 43.84.092 and 2024 c 210 s 4 and 2024 c 168 s 12 are 21 each reenacted and amended to read as follows:
 - (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.
 - (2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the

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1 distributions of earnings set forth in subsection (4) of this 2 section.

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- (3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.
- (4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:
- The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the

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1 administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning 2 facilities revolving account, the Eastern Washington University 3 capital projects account, the education construction fund, the 4 education legacy trust account, the election account, the electric 5 6 vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State 7 College capital projects account, the fair start for kids account, 8 the family medicine workforce development account, the ferry bond 9 retirement fund, the fish, wildlife, and conservation account, the 10 freight mobility investment account, the freight mobility multimodal 11 12 account, the grade crossing protective fund, the higher education retirement plan supplemental benefit fund, the Washington student 13 loan account, the highway bond retirement fund, the highway 14 infrastructure account, the highway safety fund, the hospital safety 15 16 net assessment fund, the Interstate 5 bridge replacement project 17 account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial 18 retirement administrative account, the judicial retirement principal 19 account, the limited fish and wildlife account, the local leasehold 20 21 excise tax account, the local real estate excise tax account, the 22 local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement 23 savings administrative account, the money-purchase retirement savings 24 25 principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA 26 flexible account, the multimodal transportation account, the multiuse 27 roadway safety account, the municipal criminal justice assistance 28 account, the oyster reserve land account, the pension funding 29 stabilization account, the perpetual surveillance and maintenance 30 31 account, the pilotage account, the pollution liability insurance 32 agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' 33 retirement system combined plan 2 and plan 3 account, the public 34 facilities construction loan revolving account, the public health 35 supplemental account, the public works assistance account, the Puget 36 Sound capital construction account, the Puget Sound ferry operations 37 account, the Puget Sound Gateway facility account, the Puget Sound 38 39 taxpayer accountability account, the real estate appraiser commission 40 account, the recreational vehicle account, the regional mobility

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grant program account, the reserve officers' relief and pension 1 principal fund, the resource management cost account, the rural 2 arterial trust account, the rural mobility grant program account, the 3 rural Washington loan fund, the second injury fund, the sexual 4 assault prevention and response account, the site closure account, 5 6 the skilled nursing facility safety net trust fund, the small city 7 pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan 8 account, the state investment board expense account, the state 9 investment board commingled trust fund accounts, the state patrol 10 11 highway account, the state reclamation revolving account, the state 12 route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide 13 14 tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system 15 16 plan 1 account, the teachers' retirement system combined plan 2 and 17 plan 3 account, the tobacco prevention and control account, the 18 tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the 19 transportation equipment fund, the JUDY transportation future funding 20 21 program account, the transportation improvement account, the 22 transportation improvement board bond retirement account, the 23 transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tribal opioid 24 25 prevention and treatment account, the University of Washington bond retirement fund, the University of Washington building account, the 26 voluntary cleanup account, the volunteer firefighters' relief and 27 28 pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education 29 account, the Washington judicial retirement system account, the 30 31 Washington law enforcement officers' and firefighters' system plan 1 32 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public 33 safety employees' plan 2 retirement account, the Washington school 34 employees' retirement system combined plan 2 and 3 account, the 35 Washington state patrol retirement account, the Washington State 36 University building account, the Washington State University bond 37 retirement fund, the water pollution control revolving administration 38 39 account, the water pollution control revolving fund, the Western 40 Washington University capital projects account, the Washington

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wildlife corridors account, the Washington wildlife crossings 1 account, the Yakima integrated plan implementation account, the 2 Yakima integrated plan implementation revenue recovery account, and 3 the Yakima integrated plan implementation taxable bond account. 4 Earnings derived from investing balances of the agricultural 5 permanent fund, the normal school permanent fund, the permanent 6 common school fund, the scientific permanent fund, and the state 7 university permanent fund shall be allocated to their respective 8 9 beneficiary accounts.

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- (b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.
- 16 (5) In conformance with Article II, section 37 of the state 17 Constitution, no treasury accounts or funds shall be allocated 18 earnings without the specific affirmative directive of this section.
- 19 **Sec. 7.** RCW 43.84.092 and 2024 c 210 s 5 and 2024 c 168 s 13 are 20 each reenacted and amended to read as follows:
 - (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.
 - (2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

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

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- (4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:
- The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern

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1 Washington University capital projects account, the education construction fund, the education legacy trust account, the election 2 account, the electric vehicle account, the energy freedom account, 3 the energy recovery act account, the essential rail assistance 4 account, The Evergreen State College capital projects account, the 5 6 fair start for kids account, the family medicine workforce development account, the ferry bond retirement fund, the fish, 7 wildlife, and conservation account, the freight mobility investment 8 account, the freight mobility multimodal account, the grade crossing 9 protective fund, the higher education retirement plan supplemental 10 11 benefit fund, the Washington student loan account, the highway bond 12 retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 13 14 5 bridge replacement project account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement 15 16 account, the judicial retirement administrative account, the judicial 17 retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise 18 19 tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the 20 21 money-purchase retirement savings administrative account, the money-22 purchase retirement savings principal account, the motor vehicle 23 fund, the motorcycle safety education account, the move ahead WA 24 account, the move ahead WA flexible account, the multimodal 25 transportation account, the multiuse roadway safety account, the 26 municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the 27 28 perpetual surveillance and maintenance account, the pilotage account, 29 the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 30 31 account, the public employees' retirement system combined plan 2 and 32 plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works 33 assistance account, the Puget Sound capital construction account, the 34 Puget Sound ferry operations account, the Puget Sound Gateway 35 facility account, the Puget Sound taxpayer accountability account, 36 the real estate appraiser commission account, the recreational 37 vehicle account, the regional mobility grant program account, the 38 39 reserve officers' relief and pension principal fund, the resource 40 management cost account, the rural arterial trust account, the rural

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mobility grant program account, the rural Washington loan fund, the 1 second injury fund, the sexual assault prevention and response 2 account, the site closure account, the skilled nursing facility 3 safety net trust fund, the small city pavement and sidewalk account, 4 the special category C account, the special wildlife account, the 5 6 state hazard mitigation revolving loan account, the state investment 7 board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the 8 reclamation revolving account, the state route number 520 civil 9 penalties account, the state route number 520 corridor account, the 10 11 statewide broadband account, the statewide tourism marketing account, 12 the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the 13 teachers' retirement system combined plan 2 and plan 3 account, the 14 tobacco prevention and control account, the tobacco settlement 15 16 account, the toll facility bond retirement account, 17 transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program 18 19 account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation 20 infrastructure account, the transportation partnership account, the 21 22 traumatic brain injury account, the tribal opioid prevention and 23 treatment account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup 24 25 account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' 26 administrative fund, the vulnerable roadway user education account, 27 the Washington judicial retirement system account, the Washington law 28 enforcement officers' and firefighters' system plan 1 retirement 29 account, the Washington law enforcement officers' and firefighters' 30 31 system plan 2 retirement account, the Washington public safety 32 employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the 33 Washington state patrol retirement account, the Washington State 34 University building account, the Washington State University bond 35 retirement fund, the water pollution control revolving administration 36 account, the water pollution control revolving fund, the Western 37 Washington University capital projects account, the Washington 38 wildlife corridors account, the Washington wildlife crossings 39 account, the Yakima integrated plan implementation account, the 40

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- 1 Yakima integrated plan implementation revenue recovery account, and
- 2 the Yakima integrated plan implementation taxable bond account.
- 3 Earnings derived from investing balances of the agricultural
- 4 permanent fund, the normal school permanent fund, the permanent
- 5 common school fund, the scientific permanent fund, and the state
- 6 university permanent fund shall be allocated to their respective
- 7 beneficiary accounts.
- 8 (b) Any state agency that has independent authority over accounts
- 9 or funds not statutorily required to be held in the state treasury
- 10 that deposits funds into a fund or account in the state treasury
- 11 pursuant to an agreement with the office of the state treasurer shall
- 12 receive its proportionate share of earnings based upon each account's
- 13 or fund's average daily balance for the period.
- 14 (5) In conformance with Article II, section 37 of the state
- 15 Constitution, no treasury accounts or funds shall be allocated
- 16 earnings without the specific affirmative directive of this section.
- 17 <u>NEW SECTION.</u> **Sec. 8.** Section 6 of this act expires July 1,
- 18 2028.
- 19 <u>NEW SECTION.</u> **Sec. 9.** Section 7 of this act takes effect July 1,
- 20 2028.

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