
ENGROSSED SUBSTITUTE HOUSE BILL 1362

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 02/03/23.

1 AN ACT Relating to improving government efficiency related to
2 reports by state agencies by eliminating reports, changing the
3 frequency of reports, and providing an alternative method for having
4 information publicly available in place of reports; amending RCW
5 43.43.545, 43.63A.510, 43.280.100, 48.43.0128, 61.24.163,
6 70A.420.050, 72.09.620, 77.135.090, 28B.77.220, 35.90.020,
7 43.21A.150, 43.60A.240, 43.61.040, 43.63A.068, 43.105.369, 47.01.330,
8 54.16.425, 72.09.765, 77.32.555, 82.14.470, and 82.32.765; creating a
9 new section; and repealing RCW 13.32A.045, 19.02.055, 19.280.060,
10 43.31.980, 43.60A.101, and 62A.9A-527.

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

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

1 legislators as well as the public, such as posting the information on
2 agency websites. Finally, some reports are required on a more
3 frequent basis than is necessary, as the information does not change
4 to an extent that merits the increased frequency.

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

11 **PART I**
12 **MODIFICATIONS TO REPORTS**

13 **Sec. 2.** RCW 43.43.545 and 2020 c 26 s 6 are each amended to read
14 as follows:

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

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

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

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

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

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

36 (e) Allow victims of sexual assault to anonymously track or
37 receive updates regarding the status of their sexual assault kits;
38 and

1 (f) Use electronic technology or technologies allowing continuous
2 access.

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

15 (4) The Washington state patrol shall submit (~~(a semiannual)~~) an
16 annual report on the statewide sexual assault kit tracking system to
17 the joint legislative task force on sexual assault forensic
18 examination best practices, the appropriate committees of the
19 legislature, and the governor. The Washington state patrol may
20 publish the current report on its website. The first report is due
21 (~~(July 31, 2018)~~) January 31, 2024, and subsequent reports are due
22 January 31st (~~(and July 31st)~~) of each year. The report must include
23 the following:

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

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

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

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

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

39 (f) The average and median length of time for forensic analysis
40 to be completed on sexual assault kits after being submitted for

1 analysis, including separate sets of data for all sexual assault kits
2 in the system statewide and by jurisdiction and for sexual assault
3 kits added to the system in the reporting period statewide and by
4 jurisdiction;

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

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

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

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

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

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

28 (8) For the purposes of this section:

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

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

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

37 **Sec. 3.** RCW 43.63A.510 and 2018 c 217 s 1 are each amended to
38 read as follows:

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

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

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

29 (4) As used in this section:

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

36 (b) "Very low-income household" means a single person, family, or
37 unrelated persons living together whose income is at or below fifty
38 percent of the median income, adjusted for household size, for the
39 county where the affordable housing is located.

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

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

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

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

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

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

19 **Sec. 4.** RCW 43.280.100 and 2013 c 121 s 7 are each amended to
20 read as follows:

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

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

32 **Sec. 5.** RCW 48.43.0128 and 2021 c 280 s 3 are each amended to
33 read as follows:

34 (1) A health carrier offering a nongrandfathered health plan or a
35 plan deemed by the commissioner to have a short-term limited purpose
36 or duration, or to be a student-only plan that is guaranteed
37 renewable while the covered person is enrolled as a regular, full-

1 time undergraduate student at an accredited higher education
2 institution may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **Sec. 6.** RCW 61.24.163 and 2018 c 306 s 6 are each amended to
30 read as follows:

31 (1) The foreclosure mediation program established in this section
32 applies only to borrowers who have been referred to mediation by a
33 housing counselor or attorney. The referral to mediation may be made
34 any time after a notice of default has been issued but no later than
35 twenty days after the date a notice of sale has been recorded. If the
36 borrower has failed to elect to mediate within the applicable time
37 frame, the borrower and the beneficiary may, but are under no duty
38 to, agree in writing to enter the foreclosure mediation program. The
39 mediation program under this section is not governed by chapter 7.07

1 RCW and does not preclude mediation required by a court or other
2 provision of law.

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

6 (3) Within ten days of receiving the notice, the department
7 shall:

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

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

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

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

22 (b) Debts and obligations;

23 (c) Assets;

24 (d) Expenses;

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

26 (f) Hardship information;

27 (g) Other applicable information commonly required by any
28 applicable federal mortgage relief program.

29 (5) Within twenty days of the beneficiary's receipt of the
30 borrower's documents, the beneficiary shall transmit the documents
31 required for mediation to the mediator and the borrower. The required
32 documents include:

33 (a) An accurate statement containing the balance of the loan
34 within thirty days of the date on which the beneficiary's documents
35 are due to the parties;

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

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

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

3 (e) An itemized list of the best estimate of fees and charges
4 outstanding;

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

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

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

19 (i) Appraisal or other broker price opinion most recently relied
20 upon by the beneficiary not more than ninety days old at the time of
21 the scheduled mediation; and

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

30 (6) Within seventy days of receiving the referral from the
31 department, the mediator shall convene a mediation session in the
32 county where the property is located, unless the parties agree on
33 another location. The parties may agree to extend the time in which
34 to schedule the mediation session. If the parties agree to extend the
35 time, the beneficiary shall notify the trustee of the extension and
36 the date the mediator is expected to issue the mediator's
37 certification.

38 (7) (a) The mediator may schedule phone conferences, consultations
39 with the parties individually, and other communications to ensure

1 that the parties have all the necessary information and documents to
2 engage in a productive mediation.

3 (b) The mediator must send written notice of the time, date, and
4 location of the mediation session to the borrower, the beneficiary,
5 and the department at least thirty days prior to the mediation
6 session. At a minimum, the notice must contain:

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

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

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

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

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

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

34 (a) The borrower's current and future economic circumstances,
35 including the borrower's current and future income, debts, and
36 obligations for the previous sixty days or greater time period as
37 determined by the mediator;

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

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

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

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

18 (a) Failure to timely participate in mediation without good
19 cause;

20 (b) Failure of the borrower or the beneficiary to provide the
21 documentation required before mediation or pursuant to the mediator's
22 instructions;

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

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

34 (11) If the mediator reasonably believes a borrower will not
35 attend a mediation session based on the borrower's conduct, such as
36 the lack of response to the mediator's communications, the mediator
37 may cancel a scheduled mediation session and send a written
38 cancellation to the department and the trustee and send copies to the
39 parties. The beneficiary may proceed with the foreclosure after
40 receipt of the mediator's written confirmation of cancellation.

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

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

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

7 (c) Whether a resolution was reached by the parties, including
8 whether the default was cured by reinstatement, modification, or
9 restructuring of the debt, or some other alternative to foreclosure
10 was agreed upon by the parties;

11 (d) Whether the parties participated in the mediation in good
12 faith; and

13 (e) If a written agreement was not reached, a description of any
14 net present value test used, along with a copy of the inputs,
15 including the result of any net present value test expressed in a
16 dollar amount.

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

20 (14)(a) The mediator's certification that the beneficiary failed
21 to act in good faith in mediation constitutes a defense to the
22 nonjudicial foreclosure action that was the basis for initiating the
23 mediation. In any action to enjoin the foreclosure, the beneficiary
24 is entitled to rebut the allegation that it failed to act in good
25 faith.

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

31 (c) If an affordable loan modification is not offered in the
32 mediation or a written agreement was not reached and the mediator's
33 certification shows that the net present value of the modified loan
34 exceeds the anticipated net recovery at foreclosure, that showing in
35 the certification constitutes a basis for the borrower to enjoin the
36 foreclosure.

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

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

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

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

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

33 (a) The performance of the program, including the numbers of
34 borrowers who are referred to mediation by a housing counselor or
35 attorney;

36 (b) The results of the mediation program, including the number of
37 mediations requested by housing counselors and attorneys, the number
38 of certifications of good faith issued, the number of borrowers and
39 beneficiaries who failed to mediate in good faith, and the reasons
40 for the failure to mediate in good faith, if known, the numbers of

1 loans restructured or modified, the change in the borrower's monthly
2 payment for principal and interest and the number of principal write-
3 downs and interest rate reductions, and, to the extent practical, the
4 number of borrowers who report a default within a year of
5 restructuring or modification;

6 (c) The information received by housing counselors regarding
7 outcomes of foreclosures; and

8 (d) Any recommendations for changes to the statutes regarding the
9 mediation program.

10 **Sec. 7.** RCW 70A.420.050 and 2020 c 20 s 1274 are each amended to
11 read as follows:

12 The department shall adopt rules to:

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

16 (a) Training curriculum;

17 (b) Training hours;

18 (c) Hands-on training;

19 (d) Trainee competency and proficiency;

20 (e) Training program quality control;

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

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

23 (h) Procedures for the suspension, revocation, or modification of
24 training program accreditations, or acceptance of training offered by
25 an accredited training provider in another state or Indian tribe
26 authorized by the environmental protection agency;

27 (2) Establish procedures for the purposes of certification, for
28 the acceptance of training offered by an accredited training provider
29 in a state or Indian tribe authorized by the environmental protection
30 agency;

31 (3) Certify individuals involved in lead-based paint activities
32 to ensure that certified individuals are trained by an accredited
33 training program and possess appropriate educational or experience
34 qualifications for certification;

35 (4) Establish procedures for recertification;

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

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

1 (7) Establish requirements for the administration of third-party
2 certification exams;

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

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

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

8 (a) Warning letters, notices of noncompliance, notices of
9 violation, or the equivalent;

10 (b) Administrative or civil actions, including penalty authority,
11 including accreditation or certification suspension, revocation, or
12 modification; and

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

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

19 **Sec. 8.** RCW 72.09.620 and 1999 c 324 s 7 are each amended to
20 read as follows:

21 The secretary shall (~~report~~) annually (~~to the legislature~~)
22 post on the department's website on the number of offenders
23 considered for an extraordinary medical placement, the number of
24 offenders who were granted such a placement, the number of offenders
25 who were denied such a placement, the length of time between initial
26 consideration and the placement decision for each offender who was
27 granted an extraordinary medical placement, the number of offenders
28 granted an extraordinary medical placement who were later returned to
29 total confinement, and the cost savings realized by the state.

30 **Sec. 9.** RCW 77.135.090 and 2014 c 202 s 111 are each amended to
31 read as follows:

32 (1) If the director finds that there exists an imminent danger of
33 a prohibited level 1 or level 2 species detection that seriously
34 endangers or threatens the environment, economy, human health, or
35 well-being of the state of Washington, the director must ask the
36 governor to order, under RCW 43.06.010(14), emergency measures to
37 prevent or abate the prohibited species. The director's findings must
38 contain an evaluation of the effect of the emergency measures on

1 environmental factors such as fish listed under the endangered
2 species act, economic factors such as public and private access,
3 human health factors such as water quality, or well-being factors
4 such as cultural resources.

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

13 (3) Upon the governor's approval of emergency measures, the
14 director may implement these measures to prevent, contain, control,
15 or eradicate invasive species that are the subject of the emergency
16 order, notwithstanding the provisions of chapter 15.58 or 17.21 RCW
17 or any other statute. These measures, after evaluation of all other
18 alternatives, may include the surface and aerial application of
19 pesticides.

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

30 PART II

31 REPEAL OF REPORTS

32 **Sec. 10.** RCW 28B.77.220 and 2013 c 23 s 61 are each amended to
33 read as follows:

34 (1) The council must convene work groups to develop transfer
35 associate degrees that will satisfy lower division requirements at
36 public four-year institutions of higher education for specific
37 academic majors. Work groups must include representatives from the
38 state board for community and technical colleges and the council of

1 presidents, as well as faculty from two and four-year institutions.
2 Work groups may include representatives from independent four-year
3 institutions.

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

9 (3) Completion of a transfer associate degree does not guarantee
10 a student admission into an institution of higher education or
11 admission into a major, minor, or professional program at an
12 institution of higher education that has competitive admission
13 standards for the program based on grade point average or other
14 performance criteria.

15 (4) During the 2004-05 academic year, the work groups must
16 develop transfer degrees for elementary education, engineering, and
17 nursing. As necessary based on demand or identified need, the council
18 must convene additional groups to identify and develop additional
19 transfer degrees. The council must give priority to majors in high
20 demand by transfer students and majors that the general direct
21 transfer agreement associate degree does not adequately prepare
22 students to enter automatically upon transfer.

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

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

30 ~~((7) Beginning January 10, 2005, the council must submit a
31 progress report on the development of transfer associate degrees to
32 the higher education committees of the house of representatives and
33 the senate. The first progress report must include measurable
34 benchmark indicators to monitor the effectiveness of the initiatives
35 in improving transfer and baseline data for those indicators before
36 the implementation of the initiatives. Subsequent reports must be
37 submitted by January 10th of each odd-numbered year and must monitor
38 progress on the indicators, describe development of additional
39 transfer associate degrees, and provide other data on improvements in
40 transfer efficiency.))~~

1 **Sec. 11.** RCW 35.90.020 and 2020 c 139 s 59 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in subsection (7) of this
4 section, a city that requires a general business license of any
5 person that engages in business activities within that city must
6 partner with the department to have such license issued, and renewed
7 if the city requires renewal, through the business licensing service
8 in accordance with chapter 19.02 RCW.

9 (a) Except as otherwise provided in subsection (3) of this
10 section, the department must phase in the issuance and renewal of
11 general business licenses of cities that required a general business
12 license as of July 1, 2017, and are not already partnering with the
13 department, as follows:

14 (i) Between January 1, 2018, and December 31, 2021, the
15 department must partner with at least six cities per year;

16 (ii) Between January 1, 2022, and December 31, 2027, the
17 department must partner with the remaining cities; or

18 (iii) Between July 1, 2017 and December 31, 2022, the department
19 must partner with all cities requiring a general business license if
20 specific funding for the purposes of this subsection (1)(a)(iii) is
21 appropriated in the omnibus appropriations act.

22 (b) A city that imposes a general business license requirement
23 and does not partner with the department as of January 1, 2018, may
24 continue to issue and renew its general business licenses until the
25 city partners with the department as provided in subsection (4) of
26 this section.

27 (2)(a) A city that did not require a general business license as
28 of July 1, 2017, but imposes a new general business license
29 requirement after that date must advise the department in writing of
30 its intent to do so at least ninety days before the requirement takes
31 effect.

32 (b) If a city subject to (a) of this subsection (2) imposes a new
33 general business license requirement after July 1, 2017, the
34 department, in its sole discretion, may adjust resources to partner
35 with the imposing city as of the date that the new general business
36 licensing requirement takes effect. If the department cannot
37 reallocate resources, the city may issue and renew its general
38 business license until the department is able to partner with the
39 city.

1 (3) The department may delay assuming the duties of issuing and
2 renewing general business licenses beyond the dates provided in
3 subsection (1)(a) of this section if:

4 (a) Insufficient funds are appropriated for this specific
5 purpose;

6 (b) The department cannot ensure the business licensing system is
7 adequately prepared to handle all general business licenses due to
8 unforeseen circumstances;

9 (c) The department determines that a delay is necessary to ensure
10 that the transition to mandatory department issuance and renewal of
11 general business licenses is as seamless as possible; or

12 (d) The department receives a written notice from a city within
13 sixty days of the date that the city appears on the department's
14 biennial partnership plan, which includes an explanation of the
15 fiscal or technical challenges causing the city to delay joining the
16 system. A delay under this subsection (3)(d) may be for no more than
17 three years.

18 (4)(a) In consultation with affected cities and in accordance
19 with the priorities established in subsection (5) of this section,
20 the department must establish a biennial plan for partnering with
21 cities to assume the issuance and renewal of general business
22 licenses as required by this section. The plan must identify the
23 cities that the department will partner with and the dates targeted
24 for the department to assume the duties of issuing and renewing
25 general business licenses.

26 (b) By January 1, 2018, and January 1st of each even-numbered
27 year thereafter until the department has partnered with all cities
28 that currently impose a general business license requirement and that
29 have not declined to partner with the department under subsection (7)
30 of this section, the department must submit the partnering plan
31 required in (a) of this subsection (4) to the governor; legislative
32 fiscal committees; house local government committee; senate financial
33 institutions, economic development and trade committee; senate local
34 government committee; affected cities; association of Washington
35 cities; association of Washington business; national federation of
36 independent business; and Washington retail association.

37 (c) The department may, in its sole discretion, alter the plan
38 required in (a) of this subsection (4) with a minimum notice of
39 thirty days to affected cities.

1 (5) When determining the plan to partner with cities for the
2 issuance and renewal of general business licenses as required in
3 subsection (4) of this section, cities that notified the department
4 of their wish to partner with the department before January 1, 2017,
5 must be allowed to partner before other cities.

6 (6) A city that partners with the department for the issuance and
7 renewal of general business licenses through the business licensing
8 service in accordance with chapter 19.02 RCW may not issue and renew
9 those licenses.

10 (7) (a) Except as provided in (b) of this subsection, a city may
11 decline to partner with the department for the issuance and renewal
12 of a general business license as provided in subsection (1) of this
13 section if the city participates in the online local business license
14 and tax filing portal known as "FileLocal" as of July 1, 2020.

15 (b) A city that receives at least one million nine hundred fifty
16 thousand dollars in fiscal year 2020 for temporary streamlined sales
17 tax mitigation under the 2019 omnibus appropriations act, section
18 722, chapter 415, Laws of 2019, may decline to partner with the
19 department for the issuance and renewal of a general business license
20 as provided in subsection (1) of this section if the city
21 participates in FileLocal as of July 1, 2021.

22 (c) For the purposes of this subsection (7), a city is considered
23 to be a FileLocal participant as of the date that a business may
24 access FileLocal for purposes of applying for or renewing that city's
25 general business license and reporting and paying that city's local
26 business and occupation taxes. A city that ceases participation in
27 FileLocal after July 1, 2020, or July 1, 2021, in the case of a city
28 eligible for the extension under (b) of this subsection, must partner
29 with the department for the issuance and renewal of its general
30 business license as provided in subsection (1) of this section.

31 ~~((8) By January 1, 2019, and each January 1st thereafter through~~
32 ~~January 1, 2028, the department must submit a progress report to the~~
33 ~~legislature. The report required by this subsection must provide~~
34 ~~information about the progress of the department's efforts to partner~~
35 ~~with all cities that impose a general business license requirement~~
36 ~~and include:~~

37 ~~(a) A list of cities that have partnered with the department as~~
38 ~~required in subsection (1) of this section;~~

39 ~~(b) A list of cities that have not partnered with the department;~~

1 ~~(c) A list of cities that are scheduled to partner with the~~
2 ~~department during the upcoming calendar year;~~

3 ~~(d) A list of cities that have declined to partner with the~~
4 ~~department as provided in subsection (7) of this section;~~

5 ~~(e) An explanation of lessons learned and any process~~
6 ~~efficiencies incorporated by the department;~~

7 ~~(f) Any recommendations to further simplify the issuance and~~
8 ~~renewal of general business licenses by the department; and~~

9 ~~(g) Any other information the department considers relevant.)~~

10 **Sec. 12.** RCW 43.21A.150 and 2017 c 47 s 2 are each amended to
11 read as follows:

12 ~~((1))~~ The director, whenever it is lawful and feasible to do
13 so, shall consult and cooperate with the federal government, as well
14 as with other states and Canadian provinces, in the study and control
15 of environmental problems. On behalf of the department, the director
16 is authorized to accept, receive, disburse, and administer grants or
17 other funds or gifts from any source, including private individuals
18 or agencies, the federal government, and other public agencies, for
19 the purpose of carrying out the provisions of this chapter.

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

24 ~~(b) The list must identify each agreement, the type of agreement,~~
25 ~~parties to the agreement, the effective date of the agreement, and a~~
26 ~~brief description of the agreement. The list must include all~~
27 ~~interagency agreements involving the department and other state~~
28 ~~agencies, local governments, special purpose districts, the federal~~
29 ~~government and federal government agencies, and the agencies of other~~
30 ~~states.~~

31 ~~(c) For the initial list, the department must by December 31,~~
32 ~~2017, list all grant agreements and federal agreements where~~
33 ~~information is readily extractable from the department's data~~
34 ~~systems. For those data systems that, because of their age, require~~
35 ~~programming support to extract and format data for publishing to the~~
36 ~~internet, the department must complete listing the required~~
37 ~~information according to the following schedule:~~

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

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

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

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

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

15 **Sec. 13.** RCW 43.60A.240 and 2020 c 56 s 2 are each amended to
16 read as follows:

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

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

21 (a) Conducting outreach to, and providing assistance designed for
22 the unique needs of, veterans who are lesbian, gay, bisexual,
23 transgender, and queer, and to the spouses and dependents of such
24 veterans;

25 (b) Providing assistance to veterans who are lesbian, gay,
26 bisexual, transgender, and queer in applying for an upgrade to the
27 character of a discharge from service or a change in the narrative
28 reason for a discharge from service;

29 (c) Providing assistance in applying for and obtaining veterans'
30 benefits and benefits available through other programs that provide
31 services and resources to veterans who are lesbian, gay, bisexual,
32 transgender, and queer, and to the spouses and dependents of such
33 veterans;

34 (d) Providing assistance to veterans who are lesbian, gay,
35 bisexual, transgender, and queer in applying for, and in appealing
36 any denial of, federal and state veterans' benefits and aid that such
37 veterans, and the spouses and dependents of such veterans, may be
38 entitled to; and

1 (e) Developing and distributing informational materials to
2 veterans who are lesbian, gay, bisexual, transgender, and queer, and
3 to the spouses and dependents of such veterans, regarding veterans'
4 benefits and other benefit programs that provide services and
5 resources to veterans who are lesbian, gay, bisexual, transgender,
6 and queer, and to the spouses and dependents of such veterans.

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

- 14 ~~(a) The number of veterans served;~~
15 ~~(b) The type of assistance provided;~~
16 ~~(c) Recommendations for the improvement and expansion of the
17 services provided by the coordinator; and~~
18 ~~(d) Recommendations for legislative changes.)~~

19 **Sec. 14.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to
20 read as follows:

21 The director of veterans affairs shall make such rules and
22 regulations as may be necessary to carry out the purposes of this
23 chapter. The department shall furnish information, advice, and
24 assistance to veterans and coordinate all programs and services in
25 the field of veterans' claims service, education, health, vocational
26 guidance and placement, and services not provided by some other
27 agency of the state or by the federal government. ~~((The director
28 shall submit a report of the departments' activities hereunder each
29 year to the governor.))~~

30 **Sec. 15.** RCW 43.63A.068 and 2018 c 58 s 3 are each amended to
31 read as follows:

32 (1)(a) The department of commerce shall establish an advisory
33 committee to monitor, guide, and report on recommendations relating
34 to policies and programs for children and families with incarcerated
35 parents.

36 (b) The advisory committee shall include representatives of the
37 department of corrections, the department of social and health
38 services, the department of children, youth, and families, the office

1 of the superintendent of public instruction, representatives of the
2 private nonprofit and business sectors, child advocates,
3 representatives of Washington state Indian tribes as defined under
4 the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court
5 administrators, the administrative office of the courts, the
6 Washington association of sheriffs and police chiefs, jail
7 administrators, the office of the governor, and others who have an
8 interest in these issues.

9 (c) The advisory committee shall:

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

12 (ii) Monitor and provide consultation on the implementation of
13 recommendations contained in the 2006 children of incarcerated
14 parents report;

15 (iii) Identify areas of need and develop recommendations for the
16 legislature, the department of social and health services, the
17 department of corrections, the department of children, youth, and
18 families, and the office of the superintendent of public instruction
19 to better meet the needs of children and families of persons
20 incarcerated in department of corrections facilities; and

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

25 (A) The goals for geographic distribution of programs and
26 funding;

27 (B) The scope and purpose of eligible services and the priority
28 of such services;

29 (C) Grant award funding limits;

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

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

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

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

38 (2) The department of commerce shall select community programs or
39 services to receive funding that focus on children and families of
40 inmates incarcerated in a department of corrections facility and

1 sustaining the family during the period of the inmate's
2 incarceration.

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

6 (b) The department shall consider the recommendations of the
7 advisory committee regarding which services or programs the
8 department should fund.

9 (c) The programs selected shall collaborate with an agency, or
10 agencies, experienced in providing services to aid families and
11 victims of sexual assault and domestic violence to ensure that the
12 programs identify families who have a history of sexual assault or
13 domestic violence and ensure the services provided are appropriate
14 for the children and families.

15 **Sec. 16.** RCW 43.105.369 and 2016 c 195 s 2 are each amended to
16 read as follows:

17 (1) The office of privacy and data protection is created within
18 the office of the state chief information officer. The purpose of the
19 office of privacy and data protection is to serve as a central point
20 of contact for state agencies on policy matters involving data
21 privacy and data protection.

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

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

26 (a) To conduct an annual privacy review;

27 (b) To conduct an annual privacy training for state agencies and
28 employees;

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

30 (d) To coordinate data protection in cooperation with the agency;
31 and

32 (e) To participate with the office of the state chief information
33 officer in the review of major state agency projects involving
34 personally identifiable information.

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

38 (a) Developing and promoting the dissemination of best practices
39 for the collection and storage of personally identifiable

1 information, including establishing and conducting a training program
2 or programs for local governments; and

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

6 (5) By December 1, 2016, and every four years thereafter, the
7 office of privacy and data protection must prepare and submit to the
8 legislature a report evaluating its performance. The office of
9 privacy and data protection must establish performance measures in
10 its 2016 report to the legislature and, in each report thereafter,
11 demonstrate the extent to which performance results have been
12 achieved. These performance measures must include, but are not
13 limited to, the following:

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

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

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

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

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

32 ~~((7) The office of privacy and data protection shall submit a~~
33 ~~report to the legislature on the: (a) Extent to which~~
34 ~~telecommunications providers in the state are deploying advanced~~
35 ~~telecommunications capability; and (b) existence of any inequality in~~
36 ~~access to advanced telecommunications infrastructure experienced by~~
37 ~~residents of tribal lands, rural areas, and economically distressed~~
38 ~~communities. The report may be submitted at a time within the~~
39 ~~discretion of the office of privacy and data protection, at least~~
40 ~~once every four years, and only to the extent the office of privacy~~

1 ~~and data protection is able to gather and present the information~~
2 ~~within existing resources.))~~

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

5 (1) The secretary shall establish an office of transit mobility.
6 The purpose of the office is to facilitate the integration of
7 decentralized public transportation services with the state
8 transportation system. The goals of the office of transit mobility
9 are: (a) To facilitate connection and coordination of transit
10 services and planning; and (b) maximizing opportunities to use public
11 transportation to improve the efficiency of transportation corridors.

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

14 (a) Developing a statewide strategic plan that creates common
15 goals for transit agencies and reduces competing plans for cross-
16 jurisdictional service;

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

18 (c) Encouraging long-range transit planning;

19 (d) Providing public transportation expertise to improve linkages
20 between regional transportation planning organizations and transit
21 agencies;

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

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

28 (g) Producing recommendations for the public transportation
29 section of the Washington transportation plan; and

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

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

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

37 ~~((5) The office of transit mobility must report quarterly to the~~
38 ~~secretary, and annually to the transportation committees of the~~

1 ~~legislature, on the progress of the office in meeting the goals and~~
2 ~~duties provided in this section.))~~

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

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

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

13 (b) The amount agreed upon may not exceed the property tax amount
14 that would be owed on the property comprising the broadband
15 infrastructure used in providing retail telecommunications services
16 as calculated by the department of revenue. The public utility
17 district must provide information necessary for the department of
18 revenue to make the required valuation under this subsection. The
19 department of revenue must provide the amount of property tax that
20 would be owed on the property to the county or counties in which the
21 broadband infrastructure is located on an annual basis.

22 (c) If the public utility district and a county cannot agree on
23 the amount of the payment in lieu of taxes, either party may invoke
24 binding arbitration by providing written notice to the other party.
25 In the event that the amount of payment in lieu of taxes is submitted
26 to binding arbitration, the arbitrators must consider the government
27 services available to the public utility district's broadband
28 infrastructure used in providing retail telecommunications services.
29 The public utility district and county must each select one
30 arbitrator, the two of whom must pick a third arbitrator. Costs of
31 the arbitration, including compensation for the arbitrators'
32 services, must be borne equally by the parties participating in the
33 arbitration.

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

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

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

11 **Sec. 19.** RCW 72.09.765 and 2020 c 319 s 4 are each amended to
12 read as follows:

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

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

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

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

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

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

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

33 (b) Rates charged for, or associated with, providing each type of
34 service including, but not limited to, monthly financial account
35 maintenance fees, transaction fees associated with money transfers,
36 per call and connection surcharges, bill statement fees, and refund
37 fees;

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

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

3 (e) One-time and ongoing costs incurred for installing and
4 maintaining hardware;

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

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

10 (4) (~~By November 1st of each year, and in compliance with RCW~~
11 ~~43.01.036, the department shall report to the governor and~~
12 ~~legislature on contracts for telecommunication services and~~
13 ~~electronic media services under this section and the contractor's~~
14 ~~annual compliance with this section.~~

15 ~~(5))~~) This section applies to any contract in effect on June 11,
16 2020, and to any renegotiation, renewal, or extension of such
17 contract.

18 **Sec. 20.** RCW 77.32.555 and 2015 c 254 s 1 are each amended to
19 read as follows:

20 (1) In addition to the fees authorized in this chapter, the
21 department shall include a surcharge to fund biotoxin testing and
22 monitoring by the department of health of beaches used for
23 recreational shellfishing, and to fund monitoring by the Olympic
24 region harmful algal bloom program of the Olympic natural resources
25 center at the University of Washington. The surcharge on recreational
26 shellfish licenses cannot be increased more than one dollar and can
27 only be increased when the surcharge for commercial shellfish
28 licenses is increased. A surcharge of four dollars applies to
29 resident and nonresident shellfish and seaweed licenses as authorized
30 by RCW 77.32.520(3) (a) and (b); a surcharge of three dollars applies
31 to resident and nonresident adult combination licenses as authorized
32 by RCW 77.32.470(2)(a); a surcharge of three dollars applies to
33 annual resident and nonresident razor clam licenses as authorized by
34 RCW 77.32.520(4); and a surcharge of two dollars applies to the
35 three-day razor clam license authorized by RCW 77.32.520(5). Amounts
36 collected from these surcharges must be deposited in the biotoxin
37 account created in subsection (3) of this section. The department may
38 not use any amounts collected from these surcharges to pay for its
39 administrative costs.

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

11 (3) The biotoxin account is created in the state treasury to be
12 administered by the department of health. All moneys received under
13 subsection (1) of this section must be deposited in the account and
14 used by the department of health and the University of Washington as
15 required by subsection (1) of this section. Of the moneys deposited
16 into the account, one hundred fifty thousand dollars per year must be
17 made available to the University of Washington to implement
18 subsection (1) of this section. Moneys in the account may be spent
19 only after appropriation.

20 **Sec. 21.** RCW 82.14.470 and 2011 c 363 s 4 are each amended to
21 read as follows:

22 (1) (a) (i) Moneys collected from the taxes imposed under RCW
23 82.14.465 may be used only for the following purposes:

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

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

29 (C) Payments for public improvement costs.

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

35 (b) Local public sources are dedicated to finance public
36 improvements if they: (i) Are actually expended to pay public
37 improvement costs or debt service on bonds issued for public
38 improvements; or (ii) are required by law or an agreement to be used

1 exclusively to pay public improvement costs or debt service on bonds
2 issued for public improvements.

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

6 (2) A local government must inform the department by the first
7 day of March of the amount of local public sources allocated to the
8 preceding calendar year to finance public improvements authorized
9 under chapter 39.100 RCW.

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

13 (4) (a) A local government must provide a report to the department
14 and the state auditor by March 1st of each year. A local government
15 must make a good faith effort to provide information required for the
16 report.

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

18 (i) The amount of tax allocation revenues, taxes under RCW
19 82.14.465, and local public sources received by the local government
20 during the preceding calendar year, and a summary of how these
21 revenues were expended; and

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

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

33 **Sec. 22.** RCW 82.32.765 and 2016 c 207 s 5 are each amended to
34 read as follows:

35 ~~((1))~~ A sponsoring local government receiving a project award
36 under RCW 39.104.100 must provide a report to the department by March
37 1st of each year beginning March 1st after the project award has been
38 approved. The report must contain the following information:

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

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

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

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

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

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

25 ~~((g))~~ (7) The names of any businesses locating within the
26 revitalization area as a result of the public improvements undertaken
27 by the sponsoring local government and financed in whole or in part
28 with local revitalization financing;

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

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

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

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

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

7 ~~((m))~~ (13) The amount of revenues from local public sources
8 that (i) were expended in prior years for the payment of bonds under
9 RCW 39.104.110 and public improvement costs within the revitalization
10 area on a pay-as-you-go basis in prior calendar years that were in
11 excess of the project award amount for that year and are carried
12 forward for dedication in future years, (ii) are deemed dedicated to
13 payment of bonds or public improvement costs in the calendar year for
14 which the report is prepared, and (iii) remain available for
15 dedication in future years; and

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

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

23 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 13.32A.045 (Family reconciliation services—Data) and 2020
26 c 51 s 4;

27 (2) RCW 19.02.055 (Agency duties—Information—Certification) and
28 2013 c 111 s 2;

29 (3) RCW 19.280.060 (Department's duties—Report to the
30 legislature) and 2015 3rd sp.s. c 19 s 10, 2013 c 149 s 4, & 2006 c
31 195 s 6;

32 (4) RCW 43.31.980 (Impact fee annual report) and 2015 c 241 s 4;

33 (5) RCW 43.60A.101 (Peer-to-peer support program—Report to the
34 legislature) and 2017 c 192 s 5; and

35 (6) RCW 62A.9A-527 (Duty to report) and 2000 c 250 s 9A-527.

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