

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1192

Chapter 65, Laws of 2021

67th Legislature
2021 Regular Session

TECHNICAL CORRECTIONS

EFFECTIVE DATE: July 25, 2021—Except for sections 4, 106, and 107,
which become effective January 1, 2022.

Passed by the House March 9, 2021
Yeas 59 Nays 37

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved April 16, 2021 10:20 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1192 as passed
by the House of Representatives and
the Senate on the dates hereon set
forth.

BERNARD DEAN

Chief Clerk

FILED

April 16, 2021

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1192

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Representatives Goodman and Dufault; by request of Statute Law Committee

Read first time 01/14/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to making technical corrections and removing
2 obsolete language from the Revised Code of Washington pursuant to RCW
3 1.08.025; amending RCW 7.60.025, 7.60.150, 7.80.120, 8.25.280,
4 15.58.180, 15.66.017, 15.115.020, 18.106.010, 18.210.130, 19.27.080,
5 19.27.580, 19.27A.210, 19.405.090, 28B.10.926, 28B.130.010,
6 34.05.272, 35A.56.010, 36.32.265, 39.04.175, 39.26.265, 39.26.310,
7 39.34.190, 43.01.225, 43.01.230, 43.01.240, 43.19.623, 43.19.637,
8 43.19.800, 43.20.050, 43.20.065, 43.21K.010, 43.21K.020, 43.21K.030,
9 43.30.570, 43.42.070, 43.70.080, 43.70.660, 43.83.350, 43.131.421,
10 43.131.422, 43.155.070, 46.37.470, 46.55.230, 46.80.020, 47.01.475,
11 47.28.220, 49.17.270, 49.70.175, 52.12.150, 53.08.470, 54.04.092,
12 57.08.017, 64.44.010, 69.07.170, 69.48.060, 69.50.511, 69.55.020,
13 70.79.090, 70.290.050, 70A.45.090, 70A.45.100, 70A.325.070,
14 70A.325.130, 70A.330.010, 70A.445.020, 70A.530.020, 70A.530.020,
15 76.04.205, 76.09.905, 77.12.734, 77.60.170, 78.44.050, 78.56.020,
16 78.56.040, 78.56.100, 78.56.150, 79.100.030, 79.100.050, 79A.05.050,
17 79A.05.189, 80.01.300, 80.04.110, 80.04.180, 80.28.030, 80.28.110,
18 80.70.010, 80.70.040, 81.04.010, 81.88.160, 90.44.105, 26.51.020,
19 11.130.040, 11.130.245, 11.130.670, and 11.130.910; reenacting and
20 amending RCW 15.86.020, 18.104.020, 43.19A.010, 46.16A.060,
21 70.345.010, 70A.345.030, and 80.04.010; reenacting RCW 53.54.030 and
22 70.97.040; creating a new section; decodifying RCW 1.08.130; and
23 providing effective dates.

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

NEW SECTION. **Sec. 1.** RCW 1.08.025 directs the code reviser, with the approval of the statute law committee, to prepare legislation for submission to the legislature "concerning deficiencies, conflicts, or obsolete provisions" in statutes. This act makes technical, nonsubstantive amendments as follows:

(1) Section 2 of this act decodifies an obsolete section.

(2) Sections 3 through 5 of this act merge double amendments created when sections were amended in the 2020 legislative session without reference to the amendments made in the same session.

(3) Chapter 20, Laws of 2020 (SHB 2246) reorganized certain environmental statutes and recodified numerous statutes to create a new Title 70A RCW. Sections 6 through 102 of this act update and correct many of the RCW citations impacted by chapter 20, Laws of 2020.

(4) Section 103 of this act corrects an erroneous chapter reference.

(5) Sections 104 through 108 of this act clarify references to the effective date of chapter 11.130 RCW.

NEW SECTION. **Sec. 2.** RCW 1.08.130 (Gender neutral language—Code improvement) is decodified.

Sec. 3. RCW 53.54.030 and 2020 c 112 s 1 and 2020 c 105 s 3 are each reenacted to read as follows:

(1) For the purposes of this chapter, in developing a remedial program, the port commission may take steps as appropriate including, but not limited to, one or more of the following programs:

(a) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(b) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise

1 and noise associated conditions. Any such programs shall be in
2 connection with properties located within an impacted area and shall
3 be provided upon terms and conditions as the port district shall
4 determine appropriate.

5 (c) Programs of soundproofing structures located within an
6 impacted area. Such programs may be executed without regard to the
7 ownership, provided the owner waives damages and conveys an easement
8 for the operation of aircraft, and for noise and noise associated
9 conditions therewith, to the port district.

10 (d) Mortgage insurance of private owners of lands or improvements
11 within such noise impacted area where such private owners are unable
12 to obtain mortgage insurance solely because of noise impact. In this
13 regard, the port district may establish reasonable regulations and
14 may impose reasonable conditions and charges upon the granting of
15 such mortgage insurance. Such mortgage insurance fees and charges
16 shall at no time exceed fees established for federal mortgage
17 insurance programs for like service.

18 (e) Management of all lands, easements, or development rights
19 acquired, including but not limited to the following:

20 (i) Rental of any or all lands or structures acquired;

21 (ii) Redevelopment of any such lands for any economic use
22 consistent with airport operations, local zoning and the state
23 environmental policy;

24 (iii) Sale of such properties for cash or for time payment and
25 subjection of such property to mortgage or other security
26 transaction: PROVIDED, That any such sale shall reserve to the port
27 district by covenant an unconditional right of easement for the
28 operation of all aircraft and for all noise or noise conditions
29 associated therewith.

30 (2)(a) An individual property may be provided benefits by the
31 port district under each of the programs described in subsection (1)
32 of this section. However, an individual property may not be provided
33 benefits under any one of these programs more than once, unless the
34 property:

35 (i) Is subjected to increased aircraft noise or differing
36 aircraft noise impacts that would have afforded different levels of
37 mitigation, even if the property owner had waived all damages and
38 conveyed a full and unrestricted easement; or

39 (ii) Contains a soundproofing installation, structure, or other
40 type of sound mitigation equipment product or benefit previously

1 installed pursuant to the remedial program under this chapter by the
2 port district that is determined through inspection to be in need of
3 a repair or replacement.

4 (b) Port districts choosing to exercise the authority under
5 (a)(ii) of this subsection are required to conduct inspections of
6 homes where mitigation improvements are no longer working as
7 intended. In those properties, port districts must work with a state
8 certified building inspector to determine whether package failure
9 resulted in additional hazards or structural damage to the property.

10 (3) A property shall be considered within the impacted area if
11 any part thereof is within the impacted area.

12 **Sec. 4.** RCW 70.97.040 and 2020 c 312 s 730 and 2020 c 278 s 3
13 are each reenacted to read as follows:

14 Every person who is a resident of an enhanced services facility
15 shall be entitled to all of the rights set forth in chapter 70.129
16 RCW.

17 NEW SECTION. **Sec. 5.** Section 4 of this act takes effect January
18 1, 2022.

19 **Sec. 6.** RCW 7.60.025 and 2019 c 389 s 1 are each amended to read
20 as follows:

21 (1) A receiver may be appointed by the superior court of this
22 state in the following instances, but except in any case in which a
23 receiver's appointment is expressly required by statute, or any case
24 in which a receiver's appointment is sought by a state agent whose
25 authority to seek the appointment of a receiver is expressly
26 conferred by statute, or any case in which a receiver's appointment
27 with respect to real property is sought under (b)(ii) of this
28 subsection, a receiver shall be appointed only if the court
29 additionally determines that the appointment of a receiver is
30 reasonably necessary and that other available remedies either are not
31 available or are inadequate:

32 (a) On application of any party, when the party is determined to
33 have a probable right to or interest in property that is a subject of
34 the action and in the possession of an adverse party, or when the
35 property or its revenue-producing potential is in danger of being
36 lost or materially injured or impaired. A receiver may be appointed
37 under this subsection (1)(a) whether or not the application for

1 appointment of a receiver is combined with, or is ancillary to, an
2 action seeking a money judgment or other relief;

3 (b) Provisionally, after commencement of any judicial action or
4 nonjudicial proceeding to foreclose upon any lien against or for
5 forfeiture of any interest in real or personal property, on
6 application of any person, when the interest in the property that is
7 the subject of such an action or proceeding of the person seeking the
8 receiver's appointment is determined to be probable and either:

9 (i) The property or its revenue-producing potential is in danger
10 of being lost or materially injured or impaired; or

11 (ii) The appointment of a receiver with respect to the real or
12 personal property that is the subject of the action or proceeding is
13 provided for by agreement or is reasonably necessary to effectuate or
14 enforce an assignment of rents or other revenues from the property.
15 For purposes of this subsection (1)(b), a judicial action is
16 commenced as provided in superior court civil rule 3(a), a
17 nonjudicial proceeding is commenced under chapter 61.24 RCW upon the
18 service of notice of default described in RCW 61.24.030(8), and a
19 proceeding for forfeiture is commenced under chapter 61.30 RCW upon
20 the recording of the notice of intent to forfeit described in RCW
21 61.30.060;

22 (c) After judgment, in order to give effect to the judgment;

23 (d) To dispose of property according to provisions of a judgment
24 dealing with its disposition;

25 (e) To the extent that property is not exempt from execution, at
26 the instance of a judgment creditor either before or after the
27 issuance of any execution, to preserve or protect it, or prevent its
28 transfer;

29 (f) If and to the extent that property is subject to execution to
30 satisfy a judgment, to preserve the property during the pendency of
31 an appeal, or when an execution has been returned unsatisfied, or
32 when an order requiring a judgment debtor to appear for proceedings
33 supplemental to judgment has been issued and the judgment debtor
34 fails to submit to examination as ordered;

35 (g) Upon an attachment of real or personal property when the
36 property attached is of a perishable nature or is otherwise in danger
37 of waste, impairment, or destruction, or where the abandoned
38 property's owner has absconded with, secreted, or abandoned the
39 property, and it is necessary to collect, conserve, manage, control,
40 or protect it, or to dispose of it promptly, or when the court

1 determines that the nature of the property or the exigency of the
2 case otherwise provides cause for the appointment of a receiver;

3 (h) In an action by a transferor of real or personal property to
4 avoid or rescind the transfer on the basis of fraud, or in an action
5 to subject property or a fund to the payment of a debt;

6 (i) In an action against any person who is not an individual if
7 the object of the action is the dissolution of that person, or if
8 that person has been dissolved, or if that person is insolvent or is
9 not generally paying the person's debts as those debts become due
10 unless they are the subject of bona fide dispute, or if that person
11 is in imminent danger of insolvency;

12 (j) In accordance with RCW 7.08.030 (4) and (6), in cases in
13 which a general assignment for the benefit of creditors has been
14 made;

15 (k) In quo warranto proceedings under chapter 7.56 RCW;

16 (l) As provided under RCW 11.64.022;

17 (m) In an action by the department of licensing under RCW
18 18.35.220(3) with respect to persons engaged in the business of
19 dispensing of hearing aids, RCW 18.85.430 in the case of persons
20 engaged in the business of a real estate broker, associate real
21 estate broker, or real estate salesperson, or RCW 19.105.470 with
22 respect to persons engaged in the business of camping resorts;

23 (n) In an action under RCW 18.44.470 or 18.44.490 in the case of
24 persons engaged in the business of escrow agents;

25 (o) Upon a petition with respect to a nursing home in accordance
26 with and subject to receivership provisions under chapter 18.51 RCW;

27 (p) In connection with a proceeding for relief with respect to a
28 voidable transfer as to a present or future creditor under RCW
29 19.40.041 or a present creditor under RCW 19.40.051;

30 (q) Under RCW 19.100.210(1), in an action by the attorney general
31 or director of financial institutions to restrain any actual or
32 threatened violation of the franchise investment protection act;

33 (r) In an action by the attorney general or by a prosecuting
34 attorney under RCW 19.110.160 with respect to a seller of business
35 opportunities;

36 (s) In an action by the director of financial institutions under
37 RCW 21.20.390 in cases involving actual or threatened violations of
38 the securities act of Washington or under RCW 21.30.120 in cases
39 involving actual or threatened violations of chapter 21.30 RCW with
40 respect to certain businesses and transactions involving commodities;

1 (t) In an action for or relating to dissolution of a business
2 corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or
3 23B.14.320, for dissolution of a nonprofit corporation under RCW
4 24.03.271, for dissolution of a mutual corporation under RCW
5 24.06.305, or in any other action for the dissolution or winding up
6 of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

7 (u) In any action in which the dissolution of any public or
8 private entity is sought, in any action involving any dispute with
9 respect to the ownership or governance of such an entity, or upon the
10 application of a person having an interest in such an entity when the
11 appointment is reasonably necessary to protect the property of the
12 entity or its business or other interests;

13 (v) Under RCW 25.05.215, in aid of a charging order with respect
14 to a partner's interest in a partnership;

15 (w) Under and subject to RCW 30A.44.100, 30A.44.270, and
16 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100,
17 in the case of a state trust company, RCW 32.24.070, 32.24.073,
18 32.24.080, and 32.24.090, in the case of a state savings bank;

19 (x) Under and subject to RCW 31.12.637 and 31.12.671 through
20 31.12.724, in the case of credit unions;

21 (y) Upon the application of the director of financial
22 institutions under RCW 31.35.090 in actions to enforce chapter 31.35
23 RCW applicable to agricultural lenders, under RCW 31.40.120 in
24 actions to enforce chapter 31.40 RCW applicable to entities engaged
25 in federally guaranteed small business loans, under RCW 31.45.160 in
26 actions to enforce chapter 31.45 RCW applicable to persons licensed
27 as check cashers or check sellers, or under RCW 19.230.230 in actions
28 to enforce chapter 19.230 RCW applicable to persons licensed under
29 the uniform money services act;

30 (z) Under RCW 35.82.090 or 35.82.180, with respect to a housing
31 project;

32 (aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce
33 rights under any revenue bonds issued for the purpose of financing
34 industrial development facilities or bonds of the Washington state
35 housing finance commission, or any financing document securing any
36 such bonds;

37 (bb) Under and subject to RCW 43.70.195, in an action by the
38 secretary of health or by a local health officer with respect to a
39 public water system;

1 (cc) As contemplated by RCW 61.24.030, with respect to real
2 property that is the subject of nonjudicial foreclosure proceedings
3 under chapter 61.24 RCW;

4 (dd) As contemplated by RCW 61.30.030(3), with respect to real
5 property that is the subject of judicial or nonjudicial forfeiture
6 proceedings under chapter 61.30 RCW;

7 (ee) Under RCW 64.32.200(2), in an action or proceeding commenced
8 under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common
9 expenses against a dwelling unit subject to the horizontal property
10 regimes act, chapter 64.32 RCW. For purposes of this subsection
11 (1)(ee), a judicial action is commenced as provided in superior court
12 civil rule 3(a) and a nonjudicial proceeding is commenced under
13 chapter 61.24 RCW upon the service of notice of default described in
14 RCW 61.24.030(8);

15 (ff) Under RCW 64.34.364(10), in an action or proceeding
16 commenced under chapter 61.12 or 61.24 RCW by a unit owners'
17 association to foreclose a lien for nonpayment of delinquent
18 assessments against condominium units. For purposes of this
19 subsection (1)(ff), a judicial action is commenced as provided in
20 superior court civil rule (3)(a) and a nonjudicial proceeding is
21 commenced under chapter 61.24 RCW upon the service of notice of
22 default described in RCW 61.24.030(8);

23 (gg) Upon application of the attorney general under RCW
24 64.36.220(3), in aid of any writ or order restraining or enjoining
25 violations of chapter 64.36 RCW applicable to timeshares;

26 (hh) Under RCW (~~(70.95A.050)~~) 70A.210.070(3), in aid of the
27 enforcement of payment or performance of municipal bonds issued with
28 respect to facilities used to abate, control, or prevent pollution;

29 (ii) Upon the application of the department of social and health
30 services under RCW 74.42.580, in cases involving nursing homes;

31 (jj) Upon the application of the utilities and transportation
32 commission under RCW 80.28.040, with respect to a water company or
33 wastewater company that has failed to comply with an order of such
34 commission within the time deadline specified therein;

35 (kk) Under RCW 87.56.065, in connection with the dissolution of
36 an irrigation district;

37 (ll) Upon application of the attorney general or the department
38 of licensing, in any proceeding that either of them are authorized by
39 statute to bring to enforce Title 18 or 19 RCW; the securities act of
40 Washington, chapter 21.20 RCW; the Washington commodities act,

chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver must be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also must be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases must reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the

1 receiver is a general receiver with the authority to take charge over
2 all of the owner's property, wherever located.

3 (5) The court may condition the appointment of a receiver upon
4 the giving of security by the person seeking the receiver's
5 appointment, in such amount as the court may specify, for the payment
6 of costs and damages incurred or suffered by any person should it
7 later be determined that the appointment of the receiver was
8 wrongfully obtained.

9 **Sec. 7.** RCW 7.60.150 and 2004 c 165 s 17 are each amended to
10 read as follows:

11 The receiver, or any party in interest, upon order of the court
12 following notice and a hearing, and upon the conditions or terms the
13 court considers just and proper, may abandon any estate property that
14 is burdensome to the receiver or is of inconsequential value or
15 benefit. However, a receiver may not abandon property that is a
16 hazard or potential hazard to the public in contravention of a state
17 statute or rule that is reasonably designed to protect the public
18 health or safety from identified hazards, including but not limited
19 to chapters ((70.105 and 70.105D)) 70A.300 and 70A.305 RCW. Property
20 that is abandoned no longer constitutes estate property.

21 **Sec. 8.** RCW 7.80.120 and 2018 c 176 s 5 are each amended to read
22 as follows:

23 (1) A person found to have committed a civil infraction shall be
24 assessed a monetary penalty.

25 (a) The maximum penalty and the default amount for a class 1
26 civil infraction shall be two hundred fifty dollars, not including
27 statutory assessments, except for an infraction of state law
28 involving (i) potentially dangerous litter as specified in RCW
29 ((70.93.060)) 70A.200.060(4) or violent video or computer games under
30 RCW 9.91.180, in which case the maximum penalty and default amount is
31 five hundred dollars; or (ii) a person's refusal to submit to a test
32 or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the
33 maximum penalty and default amount is one thousand dollars; or (iii)
34 the misrepresentation of service animals under RCW 49.60.214, in
35 which case the maximum penalty and default amount is five hundred
36 dollars;

1 (b) The maximum penalty and the default amount for a class 2
2 civil infraction shall be one hundred twenty-five dollars, not
3 including statutory assessments;

4 (c) The maximum penalty and the default amount for a class 3
5 civil infraction shall be fifty dollars, not including statutory
6 assessments; and

7 (d) The maximum penalty and the default amount for a class 4
8 civil infraction shall be twenty-five dollars, not including
9 statutory assessments.

10 (2) The supreme court shall prescribe by rule the conditions
11 under which local courts may exercise discretion in assessing fines
12 for civil infractions.

13 (3) Whenever a monetary penalty is imposed by a court under this
14 chapter it is immediately payable. If the person is unable to pay at
15 that time the court may grant an extension of the period in which the
16 penalty may be paid. If the penalty is not paid on or before the time
17 established for payment, the court may proceed to collect the penalty
18 in the same manner as other civil judgments and may notify the
19 prosecuting authority of the failure to pay.

20 (4) The court may also order a person found to have committed a
21 civil infraction to make restitution.

22 **Sec. 9.** RCW 8.25.280 and 1990 c 133 s 9 are each amended to read
23 as follows:

24 Consistent with standard appraisal practices, the valuation of a
25 public water system as defined in RCW ((70.119A.020)) 70A.125.010
26 shall reflect the cost of system improvements necessary to comply
27 with health and safety rules of the state board of health and
28 applicable regulations developed under chapter 43.20, 43.20A, or
29 ((70.116)) 70A.100 RCW.

30 **Sec. 10.** RCW 15.58.180 and 2013 c 144 s 10 are each amended to
31 read as follows:

32 (1) Except as provided in subsections (4) and (5) of this
33 section, it is unlawful for any person to act in the capacity of a
34 pesticide dealer or advertise as or assume to act as a pesticide
35 dealer without first having obtained an annual license from the
36 director. The license expires on the business license expiration
37 date. A license is required for each location or outlet located
38 within this state from which pesticides are distributed. A

1 manufacturer, registrant, or distributor who has no pesticide dealer
2 outlet licensed within this state and who distributes pesticides
3 directly into this state must obtain a pesticide dealer license for
4 his or her principal out-of-state location or outlet, but such a
5 licensed out-of-state pesticide dealer is exempt from the pesticide
6 dealer manager requirements.

7 (2) Application for a license must be accompanied by a fee of
8 sixty-seven dollars and must be made through the business licensing
9 system and must include the full name of the person applying for the
10 license and the name of the individual within the state designated as
11 the pesticide dealer manager. If the applicant is a partnership,
12 association, corporation, or organized group of persons, the full
13 name of each member of the firm or partnership or the names of the
14 officers of the association or corporation must be given on the
15 application. The application must state the principal business
16 address of the applicant in the state and elsewhere, the name of a
17 person domiciled in this state authorized to receive and accept
18 service of summons of legal notices of all kinds for the applicant,
19 and any other necessary information prescribed by the director.

20 (3) It is unlawful for any licensed dealer outlet to operate
21 without a pesticide dealer manager who has a license of
22 qualification.

23 (4) This section does not apply to (a) a licensed pesticide
24 applicator who sells pesticides only as an integral part of the
25 applicator's pesticide application service when pesticides are
26 dispensed only through apparatuses used for pesticide application, or
27 (b) any federal, state, county, or municipal agency that provides
28 pesticides only for its own programs.

29 (5) A user of a pesticide may distribute a properly labeled
30 pesticide to another user who is legally entitled to use that
31 pesticide without obtaining a pesticide dealer's license if the
32 exclusive purpose of distributing the pesticide is keeping it from
33 becoming a hazardous waste as defined in chapter ((70.105)) 70A.300
34 RCW.

35 **Sec. 11.** RCW 15.66.017 and 2018 c 236 s 707 are each amended to
36 read as follows:

37 This chapter and the rules adopted under it are only one aspect
38 of the comprehensively regulated agricultural industry.

(1) Other laws applicable to agricultural commodities include the following chapters and the rules adopted thereunder:

Chapter 15.08 RCW Horticultural pests and diseases;
Chapter 15.13 RCW Horticultural plants, Christmas trees, and facilities—Inspection and licensing;
Chapter 15.14 RCW Planting stock;
Chapter 15.15 RCW Certified seed potatoes;
Chapter 15.17 RCW Standards of grades and packs;
Chapter 15.19 RCW Certification and inspection of ginseng;
Chapter 15.30 RCW Controlled atmosphere storage of fruits and vegetables;
Chapter 15.49 RCW Seeds;
Chapter 15.53 RCW Commercial feed;
Chapter 15.54 RCW Fertilizers, minerals, and limes;
Chapter 15.58 RCW Washington pesticide control act;
Chapter 15.60 RCW Apiaries;
Chapter 15.64 RCW Farm marketing;
Chapter 15.83 RCW Agricultural marketing and fair practices;
Chapter 15.85 RCW Aquaculture marketing;
Chapter 15.86 RCW Organic products;
Chapter 15.92 RCW Center for sustaining agriculture and natural resources;
Chapter 15.130 RCW Food safety and security act;
Chapter 17.24 RCW Insect pests and plant diseases;
Chapter 19.94 RCW Weights and measures;
Chapter 20.01 RCW Agricultural products—Commission merchants, dealers, brokers, buyers, agents;
Chapter 22.09 RCW Agricultural commodities;
Chapter 69.07 RCW Washington food processing act;
Chapter 69.25 RCW Washington wholesome eggs and egg products act;
Chapter 69.28 RCW Honey;
7 U.S.C., section 136, Federal insecticide, fungicide, and rodenticide act.

(2) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the potato industry is regulated by or must comply with the following additional laws and the rules or regulations adopted thereunder:

(a) 7 C.F.R., Part 51, United States standards for grades of potatoes;

(b) 7 C.F.R., Part 946, Federal marketing order for Irish potatoes grown in Washington;

(c) 7 C.F.R., Part 1207, Potato research and promotion plan.

(3) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the wheat and barley industries are regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 7 U.S.C., section 1621, Agricultural marketing act;

(b) Chapter ((~~70.94~~)) 70A.15 RCW, Washington clean air act, agricultural burning.

(4) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the poultry industry is regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 21 U.S.C., chapter 10, Poultry and poultry products inspection;

(b) 21 U.S.C., chapter 9, Packers and stockyards;

(c) 7 U.S.C., section 1621, Agricultural marketing act;

(d) Washington fryer commission labeling standards.

Sec. 12. RCW 15.86.020 and 2010 c 109 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification" or "certified" means a determination documented by a certificate of organic operation made by a certifying agent that a production or handling operation is in compliance with the national organic program or with international standards.

(2) "Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

(3) "Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

(4) "Department" means the state department of agriculture.

(5) "Director" means the director of the department of agriculture or the director's designee.

(6) "Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for

1 its plant nutrient content and which is designed for use or claimed
2 to have value in promoting plant growth.

3 (7) "Handler" means any person who sells, distributes, or packs
4 organic or transitional products.

5 (8) "Label" means a display of written, printed, or graphic
6 material on the immediate container of an agricultural product or any
7 such material affixed to any agricultural product or affixed to a
8 bulk container containing an agricultural product, except for package
9 liners or a display of written, printed, or graphic material which
10 contains only information about the weight of the product.

11 (9) "Labeling" includes all written, printed, or graphic material
12 accompanying an agricultural product at any time or written, printed,
13 or graphic material about the agricultural product displayed at
14 retail stores about the product.

15 (10) "Livestock production aid" means any substance, material,
16 structure, or device that is used to aid a producer in the production
17 of livestock such as parasiticides, medicines, and feed additives.

18 (11) "Manufacturer" means a person that compounds, produces,
19 granulates, mixes, blends, repackages, or otherwise alters the
20 composition of materials.

21 (12) "Material" means any substance or mixture of substances that
22 is intended to be used in agricultural production, processing, or
23 handling.

24 (13) "National organic program" means the program administered by
25 the United States department of agriculture pursuant to 7 C.F.R. Part
26 205, which implements the federal organic food production act of 1990
27 (7 U.S.C. Sec. 6501 et seq.).

28 (14) "Organic certifying agent" means any third-party
29 certification organization that is recognized by the director as
30 being one which imposes, for certification, standards consistent with
31 this chapter.

32 (15) "Organic product" means any agricultural product, in whole
33 or in part, including meat, dairy, and beverage, that is marketed
34 using the term organic or any derivative of organic and that is
35 produced, handled, and processed in accordance with this chapter.

36 (16) "Organic waste-derived material" means grass clippings,
37 leaves, weeds, bark, plantings, prunings, and other vegetative
38 wastes, uncontaminated wood waste from logging and milling
39 operations, food wastes, food processing wastes, and materials
40 derived from these wastes through composting. "Organic waste-derived

material" does not include products that contain biosolids as defined in chapter (~~70.95J~~) 70A.226 RCW.

(17) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(18) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus, except a virus on or in a living human being or other animal, which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by rule.

(19) "Postharvest material" means any substance, material, structure, or device that is used in the postharvest handling of agricultural products.

(20) "Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

(21) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing of an organic or transitional product.

(22) "Producer" means any person or organization who or which grows, raises, or produces an agricultural product.

(23) "Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

1 (24) "Represent" means to hold out as or to advertise.

2 (25) "Sale" means selling, offering for sale, holding for sale,
3 preparing for sale, trading, bartering, offering a gift as an
4 inducement for sale of, and advertising for sale in any media.

5 (26) "Soil amendment" means any substance that is intended to
6 improve the physical characteristics of the soil, except for
7 fertilizers and pesticides.

8 (27) "Spray adjuvant" means any product intended to be used with
9 a pesticide as an aid to the application or to the effect of the
10 pesticide and that is in a package or container separate from the
11 pesticide. "Spray adjuvant" includes, but is not limited to, wetting
12 agents, spreading agents, deposit builders, adhesives, emulsifying
13 agents, deflocculating agents, and water modifiers or similar agent
14 with or without toxic properties of its own intended to be used with
15 any other pesticide as an aid to its application or to its effect.
16 "Spray adjuvant" does not include products that are only intended to
17 mark the location where a pesticide is applied.

18 (28) "Transitional product" means any agricultural product that
19 meets requirements for organic certification, except that the organic
20 production areas have not been free of prohibited substances for
21 thirty-six months. Use of prohibited substances must have ceased for
22 at least twelve months prior to the harvest of a transitional
23 product.

24 **Sec. 13.** RCW 15.115.020 and 2011 c 103 s 33 are each amended to
25 read as follows:

26 The wheat and barley industries are highly regulated industries,
27 and this chapter and the rules adopted under it are only one aspect
28 of the regulation of those industries. Other regulations and
29 restraints applicable to the wheat and barley industries include:

- 30 (1) Chapter 15.04 RCW, Washington agriculture general provisions;
- 31 (2) Chapter 15.08 RCW, horticultural pests and diseases;
- 32 (3) Chapter 15.14 RCW, planting stock;
- 33 (4) Chapter 15.49 RCW, seeds;
- 34 (5) Chapter 15.54 RCW, fertilizers, minerals, and limes;
- 35 (6) Chapter 15.58 RCW, Washington pesticide control act;
- 36 (7) Chapter 15.64 RCW, farm marketing;
- 37 (8) Chapter 15.83 RCW, agricultural marketing and fair practices;
- 38 (9) Chapter 15.86 RCW, organic products;

- 1 (10) Chapter 15.92 RCW, center for sustaining agriculture and
2 natural resources;
- 3 (11) Chapter 17.24 RCW, insect pests and plant diseases;
- 4 (12) Chapter 19.94 RCW, weights and measures;
- 5 (13) Chapter 20.01 RCW, agricultural products—commission
6 merchants, dealers, brokers, buyers, agents;
- 7 (14) Chapter 22.09 RCW, agricultural commodities;
- 8 (15) Chapter 43.23 RCW, department of agriculture;
- 9 (16) Chapter 69.04 RCW, food, drugs, cosmetics, and poisons
10 including provisions of Title 21 U.S.C. relating to the general
11 manufacturing practices, food labeling, food standards, food
12 additives, and pesticide tolerances;
- 13 (17) Chapter (~~70.94~~) 70A.15 RCW, Washington clean air act,
14 agricultural burning;
- 15 (18) 7 U.S.C., Sec. 136, federal insecticide, fungicide, and
16 rodenticide act; and
- 17 (19) 7 U.S.C., Sec. 1621, agricultural marketing act.

18 **Sec. 14.** RCW 18.104.020 and 2011 c 196 s 1 are each reenacted
19 and amended to read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Abandoned well" means a well that is unmaintained or is in
23 such disrepair that it is unusable or is a risk to public health and
24 welfare.

25 (2) "Constructing a well" or "construct a well" means:

26 (a) Boring, digging, drilling, or excavating a well;

27 (b) Installing casing, sheeting, lining, or well screens, in a
28 well;

29 (c) Drilling a geotechnical soil boring; or

30 (d) Installing an environmental investigation well.

31 "Constructing a well" or "construct a well" includes the
32 alteration of an existing well.

33 (3) "Decommission" means to fill or plug a well so that it will
34 not produce water, serve as a channel for movement of water or
35 pollution, or allow the entry of pollutants into the well or
36 aquifers.

37 (4) "Department" means the department of ecology.

38 (5) "Dewatering well" means a cased or lined excavation or boring
39 that is intended to withdraw or divert groundwater for the purpose of

1 facilitating construction, stabilizing a landslide, or protecting an
2 aquifer.

3 (6) "Director" means the director of the department of ecology.

4 (7) "Environmental investigation well" means a cased hole
5 intended or used to extract a sample or samples of groundwater,
6 vapor, or soil from an underground formation and which is
7 decommissioned immediately after the sample or samples are obtained.
8 An environmental investigation well is typically installed using
9 direct push technology or auger boring and uses the probe, stem,
10 auger, or rod as casing. An environmental investigation well is not a
11 geotechnical soil boring.

12 (8) "Geotechnical soil boring" or "boring" means a well drilled
13 for the purpose of obtaining soil samples or information to ascertain
14 structural properties of the subsurface.

15 (9) "Ground source heat pump boring" means a vertical boring
16 constructed for the purpose of installing a closed loop heat exchange
17 system for a ground source heat pump.

18 (10) "Grounding well" means a grounding electrode installed in
19 the earth by the use of drilling equipment to prevent buildup of
20 voltages that may result in undue hazards to persons or equipment.
21 Examples are anode and cathode protection wells.

22 (11) "Groundwater" means and includes groundwaters as defined in
23 RCW 90.44.035.

24 (12) "Instrumentation well" means a well in which pneumatic or
25 electric geotechnical or hydrological instrumentation is permanently
26 or periodically installed to measure or monitor subsurface strength
27 and movement. Instrumentation well includes borehole extensometers,
28 slope indicators, pneumatic or electric pore pressure transducers,
29 and load cells.

30 (13) "Monitoring well" means a well designed to obtain a
31 representative groundwater sample or designed to measure the water
32 level elevation in either clean or contaminated water or soil.

33 (14) "Observation well" means a well designed to measure the
34 depth to the water level elevation in either clean or contaminated
35 water or soil.

36 (15) "Operator" means a person who (a) is employed by a well
37 contractor; (b) is licensed under this chapter; or (c) who controls,
38 supervises, or oversees the construction of a well or who operates
39 well construction equipment.

1 (16) "Owner" or "well owner" means the person, firm, partnership,
2 copartnership, corporation, association, other entity, or any
3 combination of these, who owns the property on which the well is or
4 will be constructed or has the right to the well by means of an
5 easement, covenant, or other enforceable legal instrument for the
6 purpose of benefiting from the well.

7 (17) "Pollution" and "contamination" have the meanings provided
8 in RCW 90.48.020.

9 (18) "Remediation well" means a well intended or used to withdraw
10 groundwater or inject water, air (for air sparging), or other
11 solutions into the subsurface for the purpose of remediating,
12 cleaning up, or controlling potential or actual groundwater
13 contamination.

14 (19) "Resource protection well" means a cased boring intended or
15 used to collect subsurface information or to determine the existence
16 or migration of pollutants within an underground formation. Resource
17 protection wells include monitoring wells, observation wells,
18 piezometers, spill response wells, remediation wells, environmental
19 investigation wells, vapor extraction wells, ground source heat pump
20 boring, grounding wells, and instrumentation wells.

21 (20) "Resource protection well contractor" means any person,
22 firm, partnership, copartnership, corporation, association, or other
23 entity, licensed and bonded under chapter 18.27 RCW, engaged in the
24 business of constructing resource protection wells or geotechnical
25 soil borings.

26 (21) "Water well" means any excavation that is constructed when
27 the intended use of the well is for the location, diversion,
28 artificial recharge, observation, monitoring, dewatering, or
29 withdrawal of groundwater. "Water wells" include ground source heat
30 pump borings and grounding wells.

31 (22) "Water well contractor" means any person, firm, partnership,
32 copartnership, corporation, association, or other entity, licensed
33 and bonded under chapter 18.27 RCW, engaged in the business of
34 constructing water wells.

35 (23)(a) "Well" means water wells, resource protection wells,
36 dewatering wells, and geotechnical soil borings.

37 (b) Well does not mean an excavation made for the purpose of:

38 (i) Obtaining or prospecting for oil, natural gas, geothermal
39 resources, minerals, or products of mining, or quarrying, or for

1 inserting media to repressure oil or natural gas bearing formations,
2 or for storing petroleum, natural gas, or other products;

3 (ii) Siting and constructing an on-site sewage disposal system as
4 defined in RCW (~~(70.118.020)~~) 70A.105.020 or a large on-site sewage
5 system as defined in RCW (~~(70.118B.010)~~) 70A.115.010; or

6 (iii) Inserting any device or instrument less than ten feet in
7 depth into the soil for the sole purpose of performing soil or water
8 testing or analysis or establishing soil moisture content as long as
9 there is no withdrawal of water in any quantity other than as
10 necessary to perform the intended testing or analysis.

11 (24) "Well contractor" means a resource protection well
12 contractor and a water well contractor licensed and bonded under
13 chapter 18.27 RCW.

14 **Sec. 15.** RCW 18.106.010 and 2020 c 153 s 1 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Advisory board" means the state advisory board of plumbers.

19 (2) "Department" means the department of labor and industries.

20 (3) "Director" means the director of department of labor and
21 industries.

22 (4) "Journey level plumber" means any person who has been issued
23 a certificate of competency by the department of labor and industries
24 as provided in this chapter.

25 (5) "Like-in-kind" means having similar characteristics such as
26 plumbing size, type, and function, and being in the same location.

27 (6) "Medical gas piping" means oxygen, nitrous oxide, high
28 pressure nitrogen, medical compressed air, and other medical gas or
29 equipment, including but not limited to medical vacuum systems.

30 (7) "Medical gas piping installer" means a journey level plumber
31 who has been issued a medical gas piping installer endorsement.

32 (8) "Plumbing" means that craft involved in installing, altering,
33 repairing and renovating potable water systems, liquid waste systems,
34 and medical gas piping systems within a building as defined by the
35 plumbing code as adopted and amended by the state building code
36 council, and includes all piping, fixtures, pumps, and plumbing
37 appurtenances that are used for rainwater catchment and reclaimed
38 water systems within a building.

1 (9) "Plumbing contractor" means any person, corporate or
2 otherwise, who engages in, or offers or advertises to engage in, any
3 plumbing work covered by the provisions of this chapter by way of
4 trade or business, or any person, corporate or otherwise, who employs
5 anyone, or offers or advertises to employ anyone, to engage in any
6 plumbing work as defined in this section. The plumbing contractor is
7 responsible for ensuring the plumbing business is operated in
8 accordance with rules adopted under this chapter.

9 (10) "Plumber trainee" or "trainee" means any person who has been
10 issued a plumbing training certificate under this chapter but has not
11 been issued an appropriate certificate of competency for work being
12 performed. A trainee may perform plumbing work if that person is
13 under the appropriate level of supervision.

14 (11) "Residential service plumber" means anyone who has been
15 issued a certificate of competency limited to performing residential
16 service plumbing in an existing residential structure.

17 (a) In single-family dwellings and duplexes only, a residential
18 service plumber may service, repair, or replace previously existing
19 fixtures, piping, and fittings that are outside the interior wall or
20 above the floor, often, but not necessarily in a like-in-kind manner.
21 In any residential structure, a residential service plumber may
22 perform plumbing work as needed to perform drain cleaning and may
23 perform leak repairs on any pipe, fitting, or fixture from the leak
24 to the next serviceable connection.

25 (b) A residential service plumber may directly supervise plumber
26 trainees provided the trainees have been supervised by an appropriate
27 journey level or specialty plumber for the trainees' first two
28 thousand hours of training.

29 (c) A residential service plumber may not perform plumbing for
30 new construction of any kind.

31 (12) "Residential structures" means single-family dwellings,
32 duplexes, and multiunit buildings that do not exceed three stories.

33 (13) "Service plumbing" means plumbing work in which previously
34 existing fixtures, fittings, and piping is repaired or replaced
35 often, but not necessarily, in a like-in-kind manner, or plumbing
36 work being performed as necessary for drain cleaning.

37 (14) "Specialty plumber" means anyone who has been issued a
38 specialty certificate of competency limited to:

1 (a) Installation, maintenance, and repair of the plumbing of
2 single-family dwellings, duplexes, and apartment buildings that do
3 not exceed three stories;

4 (b) Maintenance and repair of backflow prevention assemblies; or

5 (c) A domestic water pumping system consisting of the
6 installation, maintenance, and repair of the pressurization,
7 treatment, and filtration components of a domestic water system
8 consisting of: One or more pumps; pressure, storage, and other tanks;
9 filtration and treatment equipment; if appropriate, a pitless
10 adapter; along with valves, transducers, and other plumbing
11 components that:

12 (i) Are used to acquire, treat, store, or move water suitable for
13 either drinking or other domestic purposes, including irrigation, to:

14 (A) A single-family dwelling, duplex, or other similar place of
15 residence; (B) a public water system, as defined in RCW
16 ((~~70.119.020~~)) 70A.120.020 and as limited under RCW ((~~70.119.040~~))
17 70A.120.040; or (C) a farm owned and operated by a person whose
18 primary residence is located within thirty miles of any part of the
19 farm;

20 (ii) Are located within the interior space, including but not
21 limited to an attic, basement, crawl space, or garage, of a
22 residential structure, which space is separated from the living area
23 of the residence by a lockable entrance and fixed walls, ceiling, or
24 floor;

25 (iii) If located within the interior space of a residential
26 structure, are connected to a plumbing distribution system supplied
27 and installed into the interior space by either: (A) A person who,
28 pursuant to RCW 18.106.070 or 18.106.090, possesses a valid temporary
29 permit or certificate of competency as a journey level plumber,
30 specialty plumber, or trainee, as defined in this chapter; or (B) a
31 person exempt from the requirement to obtain a certified plumber to
32 do such plumbing work under RCW 18.106.150.

33 (15) "Unsatisfied final judgment" means a judgment or final tax
34 warrant that has not been satisfied either through payment, court-
35 approved settlement, discharge in bankruptcy, or assignment under RCW
36 19.72.070.

37 **Sec. 16.** RCW 18.210.130 and 1999 c 263 s 14 are each amended to
38 read as follows:

1 (1) The director shall issue a license to any applicant who meets
2 the requirements of this chapter. The issuance of a license by the
3 director is evidence that the person named is entitled to the rights
4 and privileges of a licensed on-site wastewater treatment system
5 designer as long as the license remains valid.

6 (2) Each person licensed under this chapter shall obtain an
7 inking stamp, of a design authorized by the board, that contains the
8 licensee's name and license number. Plans, specifications, and
9 reports prepared by the registrant must be signed, dated, and
10 stamped. Signature and stamping constitute certification by the
11 licensee that a plan, specification, or report was prepared by or
12 under the direct supervision of a licensee.

13 (3) Those persons who obtain a certificate of competency as
14 provided in chapter ((70.118)) 70A.105 RCW do not have the privileges
15 granted to a license holder under this chapter and do not have
16 authority to obtain and use a stamp as described in this section.

17 **Sec. 17.** RCW 19.27.080 and 2003 c 291 s 3 are each amended to
18 read as follows:

19 Nothing in this chapter affects the provisions of chapters
20 19.27A, 19.28, 43.22, 70.77, 70.79, 70.87, ((48.48)) 43.44, 18.20,
21 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15,
22 ((70.94)) 70A.15, 76.04, ((90.76)) 70A.355 RCW, or RCW 28A.195.010,
23 or grants rights to duplicate the authorities provided under chapters
24 ((70.94)) 70A.15 or 76.04 RCW.

25 **Sec. 18.** RCW 19.27.580 and 2019 c 284 s 7 are each amended to
26 read as follows:

27 The building code council shall adopt rules that permit the use
28 of substitutes approved under RCW ((70.235.080)) 70A.45.080 and that
29 do not require the use of substitutes that are restricted under RCW
30 ((70.235.080)) 70A.45.080.

31 **Sec. 19.** RCW 19.27A.210 and 2019 c 285 s 3 are each amended to
32 read as follows:

33 (1)(a) By November 1, 2020, the department must establish by rule
34 a state energy performance standard for covered commercial buildings.

35 (b) In developing energy performance standards, the department
36 shall seek to maximize reductions of greenhouse gas emissions from
37 the building sector. The standard must include energy use intensity

1 targets by building type and methods of conditional compliance that
2 include an energy management plan, operations and maintenance
3 program, energy efficiency audits, and investment in energy
4 efficiency measures designed to meet the targets. The department
5 shall use ANSI/ASHRAE/IES standard 100-2018 as an initial model for
6 standard development. The department must update the standard by July
7 1, 2029, and every five years thereafter. Prior to the adoption or
8 update of the standard, the department must identify the sources of
9 information it relied upon, including peer-reviewed science.

10 (2) In establishing the standard under subsection (1) of this
11 section, the department:

12 (a) Must develop energy use intensity targets that are no greater
13 than the average energy use intensity for the covered commercial
14 building occupancy type with adjustments for unique energy using
15 features. The department must also develop energy use intensity
16 targets for additional property types eligible for incentives in RCW
17 19.27A.220. The department must consider regional and local building
18 energy utilization data, such as existing energy star benchmarking
19 data, in establishing targets for the standard. Energy use intensity
20 targets must be developed for two or more climate zones and be
21 representative of energy use in a normal weather year;

22 (b) May consider building occupancy classifications from ANSI/
23 ASHRAE/IES standard 100-2018 and the United States environmental
24 protection agency's energy star portfolio manager when developing
25 energy use intensity targets;

26 (c) May implement lower energy use intensity targets for more
27 recently built covered commercial buildings based on the state energy
28 code in place when the buildings were constructed;

29 (d)(i) Must adopt a conditional compliance method that ensures
30 that covered commercial buildings that do not meet the specified
31 energy use intensity targets are taking action to achieve reduction
32 in energy use, including investment criteria for conditional
33 compliance that ensure that energy efficiency measures identified by
34 energy audits are implemented to achieve a covered commercial
35 building's energy use intensity target. The investment criteria must
36 require that a building owner adopt an implementation plan to meet
37 the energy intensity target or implement an optimized bundle of
38 energy efficiency measures that provides maximum energy savings
39 without resulting in a savings-to-investment ratio of less than 1.0,
40 except as exempted in (d)(ii) of this subsection. The implementation

1 plan must be based on an investment grade energy audit and a life-
2 cycle cost analysis that accounts for the period during which a
3 bundle of measures will provide savings. The building owner's cost
4 for implementing energy efficiency measures must reflect net cost,
5 excluding any costs covered by utility or government grants. The
6 implementation plan may exclude measures that do not pay for
7 themselves over the useful life of the measure and measures excluded
8 under (d)(ii) of this subsection. The implementation plan may include
9 phased implementation such that the building owner is not required to
10 replace a system or equipment before the end of the system or
11 equipment's useful life;

12 (ii) For those buildings or structures that are listed in the
13 state or national register of historic places; designated as a
14 historic property under local or state designation law or survey;
15 certified as a contributing resource with a national register listed
16 or locally designated historic district; or with an opinion or
17 certification that the property is eligible to be listed on the
18 national or state registers of historic places either individually or
19 as a contributing building to a historic district by the state
20 historic preservation officer or the keeper of the national register
21 of historic places, no individual energy efficiency requirement need
22 be met that would compromise the historical integrity of a building
23 or part of a building.

24 (3) Based on records obtained from each county assessor and other
25 available information sources, the department must create a database
26 of covered commercial buildings and building owners required to
27 comply with the standard established in accordance with this section.

28 (4) By July 1, 2021, the department must provide the owners of
29 covered buildings with notification of compliance requirements.

30 (5) The department must develop a method for administering
31 compliance reports from building owners.

32 (6) The department must provide a customer support program to
33 building owners including, but not limited to, outreach and
34 informational material, periodic training, phone and email support,
35 and other technical assistance.

36 (7) The building owner of a covered commercial building must
37 report the building owner's compliance with the standard to the
38 department in accordance with the schedule established under
39 subsection (8) of this section and every five years thereafter. For

1 each reporting date, the building owner must submit documentation to
2 demonstrate that:

3 (a) The weather normalized energy use intensity of the covered
4 commercial building measured in the previous calendar year is less
5 than or equal to the energy use intensity target; or

6 (b) The covered commercial building has received conditional
7 compliance from the department based on energy efficiency actions
8 prescribed by the standard; or

9 (c) The covered commercial building is exempt from the standard
10 by demonstrating that the building meets one of the following
11 criteria:

12 (i) The building did not have a certificate of occupancy or
13 temporary certificate of occupancy for all twelve months of the
14 calendar year prior to the building owner compliance schedule
15 established under subsection (8) of this section;

16 (ii) The building did not have an average physical occupancy of
17 at least fifty percent throughout the calendar year prior to the
18 building owner compliance schedule established under subsection (8)
19 of this section;

20 (iii) The sum of the buildings gross floor area minus
21 unconditioned and semiconditioned spaces, as defined in the
22 Washington state energy code, is less than fifty thousand square
23 feet;

24 (iv) The primary use of the building is manufacturing or other
25 industrial purposes, as defined under the following use designations
26 of the international building code: (A) Factory group F; or (B) high
27 hazard group H;

28 (v) The building is an agricultural structure; or

29 (vi) The building meets at least one of the following conditions
30 of financial hardship: (A) The building had arrears of property taxes
31 or water or wastewater charges that resulted in the building's
32 inclusion, within the prior two years, on a city's or county's annual
33 tax lien sale list; (B) the building has a court appointed receiver
34 in control of the asset due to financial distress; (C) the building
35 is owned by a financial institution through default by a borrower;
36 (D) the building has been acquired by a deed in lieu of foreclosure
37 within the previous twenty-four months; (E) the building has a senior
38 mortgage subject to a notice of default; or (F) other conditions of
39 financial hardship identified by the department by rule.

1 (8) A building owner of a covered commercial building must meet
2 the following reporting schedule for complying with the standard
3 established under this section:

4 (a) For a building with more than two hundred twenty thousand
5 gross square feet, June 1, 2026;

6 (b) For a building with more than ninety thousand gross square
7 feet but less than two hundred twenty thousand and one gross square
8 feet, June 1, 2027; and

9 (c) For a building with more than fifty thousand gross square
10 feet but less than ninety thousand and one square feet, June 1, 2028.

11 (9)(a) The department may issue a notice of violation to a
12 building owner for noncompliance with the requirements of this
13 section. A determination of noncompliance may be made for any of the
14 following reasons:

15 (i) Failure to submit a compliance report in the form and manner
16 prescribed by the department;

17 (ii) Failure to meet an energy use intensity target or failure to
18 receive conditional compliance approval;

19 (iii) Failure to provide accurate reporting consistent with the
20 requirements of the standard established under this section; and

21 (iv) Failure to provide a valid exemption certificate.

22 (b) In order to create consistency with the implementation of the
23 standard and rules adopted under this section, the department must
24 reply and cite the section of law, code, or standard in a notice of
25 violation for noncompliance with the requirements of this section
26 when requested to do so by the building owner or the building owner's
27 agent.

28 (10) The department is authorized to impose an administrative
29 penalty upon a building owner for failing to submit documentation
30 demonstrating compliance with the requirements of this section. The
31 penalty may not exceed an amount equal to five thousand dollars plus
32 an amount based on the duration of any continuing violation. The
33 additional amount for a continuing violation may not exceed a daily
34 amount equal to one dollar per year per gross square foot of floor
35 area. The department may by rule increase the maximum penalty rates
36 to adjust for the effects of inflation.

37 (11) Administrative penalties collected under this section must
38 be deposited into the low-income weatherization and structural
39 rehabilitation assistance account created in RCW ((~~70.164.030~~))
40 70A.35.030.

1 (12) The department must adopt rules as necessary to implement
2 this section, including but not limited to:

3 (a) Rules necessary to ensure timely, accurate, and complete
4 reporting of building energy performance for all covered commercial
5 buildings;

6 (b) Rules necessary to enforce the standard established under
7 this section; and

8 (c) Rules that provide a mechanism for appeal of any
9 administrative penalty imposed by the department under this section.

10 (13) Upon request by the department, each county assessor must
11 provide property data from existing records to the department as
12 necessary to implement this section.

13 (14) By January 15, 2022, and each year thereafter through 2029,
14 the department must submit a report to the governor and the
15 appropriate committees of the legislature on the implementation of
16 the state energy performance standard established under this section.
17 The report must include information regarding the adoption of the
18 ANSI/ASHRAE/IES standard 100-2018 as an initial model, the financial
19 impact to building owners required to comply with the standard, the
20 amount of incentives provided under RCW 19.27A.220 and 19.27A.230,
21 and any other significant information associated with the
22 implementation of this section.

23 **Sec. 20.** RCW 19.405.090 and 2019 c 288 s 9 are each amended to
24 read as follows:

25 (1)(a) An electric utility or an affected market customer that
26 fails to meet the standards established under RCW 19.405.030(1) and
27 19.405.040(1) must pay an administrative penalty to the state of
28 Washington in the amount of one hundred dollars, times the following
29 multipliers, for each megawatt-hour of electric generation used to
30 meet load that is not electricity from a renewable resource or
31 nonemitting electric generation:

32 (i) 1.5 for coal-fired resources;

33 (ii) 0.84 for gas-fired peaking power plants; and

34 (iii) 0.60 for gas-fired combined-cycle power plants.

35 (b) Beginning in 2027, this penalty must be adjusted on a
36 biennial basis according to the rate of change of the inflation
37 indicator, gross domestic product implicit price deflator, as
38 published by the bureau of economic analysis of the United States
39 department of commerce or its successor. Beginning in 2040, the

1 commission may by rule increase this penalty for investor-owned
2 utilities if the commission determines that doing so will accelerate
3 utilities' compliance with the standards established under this
4 chapter and that doing so is in the public interest.

5 (2) Consistent with the requirements of RCW 19.405.040(1)(b), a
6 utility may opt to make a payment in the amount of the administrative
7 penalty as an alternative compliance payment, without incurring a
8 penalty for noncompliance.

9 (3)(a) Upon its own motion or at the request of an investor-owned
10 utility, and after a hearing, the commission may issue an order
11 relieving the utility of its administrative penalty obligation under
12 subsection (1) of this section if it finds that:

13 (i) After taking all reasonable measures, the investor-owned
14 utility's compliance with this chapter is likely to result in
15 conflicts with or compromises to its obligation to comply with the
16 mandatory and enforceable reliability standards of the North American
17 electric reliability corporation, violate prudent utility practice
18 for assuring resource adequacy, or compromise the power quality or
19 integrity of its system; or

20 (ii) The investor-owned utility is unable to comply with the
21 standards established in RCW 19.405.030(1) or 19.405.040(1) due to
22 reasons beyond the reasonable control of the investor-owned utility,
23 as set forth in subsection (6) of this section.

24 (b) If the commission issues an order pursuant to (a) of this
25 subsection that relieves an investor-owned utility of its
26 administrative penalty obligation under subsection (1) of this
27 section, the commission may issue an order:

28 (i) Temporarily exempting the investor-owned utility from the
29 requirements of RCW 19.405.040(1) for an amount of time sufficient to
30 allow the investor-owned utility to achieve full compliance with the
31 standard;

32 (ii) Directing the investor-owned utility to file a progress
33 report to the commission on achieving full compliance with the
34 standard within six months after issuing the order, or within an
35 amount of time determined to be reasonable by the commission; and

36 (iii) Directing the investor-owned utility to take specific
37 actions to achieve full compliance with the requirements of this
38 chapter.

39 (c) An investor-owned utility may request an extension of a
40 temporary exemption granted under this section. An investor-owned

1 utility that requests an extension must request an update to the
2 order issued by the commission under (b) of this subsection.

3 (4) Subsection (3) of this section does not permanently relieve
4 an investor-owned utility of its obligation to comply with the
5 requirements of this chapter.

6 (5)(a) The governing body of a consumer-owned utility may
7 authorize a temporary exemption from the standard established under
8 RCW 19.405.040(1), for an amount of time sufficient to allow the
9 consumer-owned utility to achieve full compliance with the standard,
10 if the governing body finds that:

11 (i) The consumer-owned utility's compliance with the standard is
12 likely to: Result in conflicts with or compromises to its obligation
13 to comply with the mandatory and enforceable reliability standards of
14 the North American electric reliability corporation; violate prudent
15 utility practice for assuring resource adequacy; or compromise the
16 power quality or integrity of its system; or

17 (ii) The consumer-owned utility is unable to comply with the
18 standard due to reasons beyond the reasonable control of the utility,
19 as set forth in subsection (6) of this section; and

20 (iii) The consumer-owned utility has provided to the department a
21 plan demonstrating how it plans to achieve full compliance with the
22 standard, consistent with the findings of the report submitted to the
23 legislature under RCW 19.405.080.

24 (b) Upon request by the governing body of a consumer-owned
25 utility, a consumer-owned utility must be relieved of its
26 administrative penalty obligation under subsection (1) of this
27 section if the auditor issues a finding that:

28 (i) The governing body of the consumer-owned utility has properly
29 issued a temporary exemption under (a) of this subsection for a
30 period of time not to exceed six months; and

31 (ii) The governing body of the consumer-owned utility has
32 submitted to the department a plan to take specific actions to
33 achieve full compliance with the standard, consistent with the
34 findings of the report submitted to the legislature under RCW
35 19.405.080.

36 (c) Upon issuance of a finding by the auditor, the consumer-owned
37 utility must submit a progress report to the department on achieving
38 full compliance with the standard within the term authorized in the
39 temporary exemption.

1 (d) A consumer-owned utility may request an extension of a
2 temporary exemption granted under this subsection, subject to the
3 same requirements as provided in (a) through (c) of this subsection.

4 (e) The attorney general may bring a civil action in the name of
5 the state for any appropriate civil remedy including, but not limited
6 to, injunctive relief, penalties, costs, and attorneys' fees, to
7 enforce compliance with this chapter:

8 (i) Upon the failure of the governing body of a consumer-owned
9 utility to comply with the conditions of a temporary exemption found
10 by the auditor to be properly adopted or extended; or

11 (ii) Upon failure of the governing body of a consumer-owned
12 utility to comply with a finding by the auditor that a temporary
13 exemption is not properly granted.

14 (f) This subsection does not permanently relieve a consumer-owned
15 utility of its obligation to comply with the requirements of this
16 chapter.

17 (6) To the extent an event or circumstance cannot be reasonably
18 foreseen and ameliorated, such events or circumstances beyond the
19 reasonable control of an electric utility may include but are not
20 limited to:

21 (a) Weather-related damage;

22 (b) Natural disasters;

23 (c) Mechanical or resource failure;

24 (d) Failure of a third party to meet contractual obligations to
25 the electric utility;

26 (e) Actions of governmental authorities that adversely affect the
27 generation, transmission, or distribution of nonemitting electric
28 generation or renewable resources owned or under contract to an
29 electric utility, including condemnation actions by municipal
30 electric utilities, public utility districts, or irrigation districts
31 that adversely affect an investor-owned utility's ability to meet the
32 standard established in RCW 19.405.030(1) and 19.405.040(1);

33 (f) Inability to acquire sufficient transmission to transmit
34 electricity from nonemitting electric generation or renewable
35 resources to load; and

36 (g) Substantial limitations, restrictions, or prohibitions on
37 nonemitting electric generation or renewable resources.

38 (7) An electric utility must notify its retail electric customers
39 in published form within three months of paying the administrative
40 penalty established under subsection (1) of this section. An electric

1 utility is not required to notify its retail electric customers when
2 making a payment in the amount of the administrative penalty as an
3 alternative compliance payment consistent with the requirements of
4 RCW 19.405.040(1)(b).

5 (8) Moneys collected under this section must be deposited into
6 the low-income weatherization and structural rehabilitation
7 assistance account created in RCW (~~(70.164.030)~~) 70A.35.030.

8 (9) For an investor-owned utility, the commission must determine
9 compliance with the requirements of this chapter.

10 (10) For consumer-owned utilities, the auditor is responsible for
11 auditing compliance with this chapter and rules adopted under this
12 chapter that apply to those utilities and the attorney general is
13 responsible for enforcing that compliance.

14 (11) If the report submitted under RCW 19.405.080 demonstrates
15 adverse system reliability impacts from the implementation of RCW
16 19.405.040 and 19.405.050, the governor, consistent with the
17 emergency powers under RCW 43.21G.040, may suspend or delay
18 implementation of this chapter, or exempt an electric utility from
19 paying the administrative penalty under this section, until system
20 reliability impacts can be addressed. Adverse system reliability
21 impacts may include, but are not limited to, the inability of
22 electric utilities or transmission operators to meet reliability
23 standards mandated by federal or state law and required by prudent
24 utility practices.

25 (12) Notwithstanding RCW 54.16.020, the fair market value
26 compensation for an asset that is condemned by a municipal electric
27 utility, public utility district, or irrigation district and that is
28 either demonstrated in an electric utility's clean energy action plan
29 or clean energy implementation plan to be used or acquired after May
30 7, 2019, to meet the requirements of RCW 19.405.040 and 19.405.050,
31 or an asset that generates electricity from renewable resources or
32 nonemitting electric generation, must include but not be limited to a
33 replacement value approach. Additionally, the electric utility may
34 seek, and the court may award, damages attributable to the severance,
35 separation, replacement, or relocation of utility assets. The trier
36 of fact may also consider other damages, as well as offsetting
37 benefits, that it finds just and equitable.

38 (13) An entity that establishes or extends service to the
39 premises of a customer who is being served by an electric utility or
40 was served by an electric utility prior to May 7, 2019, must serve

1 those premises in a manner that complies with the requirements of
2 chapter 288, Laws of 2019 and with chapter 19.285 RCW, if applicable.
3 An electric utility or other entity that fails to comply with the
4 requirements of this subsection must pay the administrative penalty
5 under subsection (1) of this section for each megawatt-hour of
6 electric generation used to serve load that does not meet the terms
7 of this subsection.

8 **Sec. 21.** RCW 28B.10.926 and 2013 c 291 s 26 are each amended to
9 read as follows:

10 (1) Following the inspection required under RCW 28B.10.925 and
11 prior to transferring ownership of an institution-owned vessel, the
12 institution of higher education shall obtain the following from the
13 transferee:

14 (a) The purposes for which the transferee intends to use the
15 vessel; and

16 (b) Information demonstrating the prospective owner's intent to
17 obtain legal moorage following the transfer, in the manner determined
18 by the institution of higher education.

19 (2)(a) The institution of higher education shall remove any
20 containers or other materials that are not fixed to the vessel and
21 contain hazardous substances, as defined under RCW ((70.105D.020))
22 70A.305.020.

23 (b) However, the institution of higher education may transfer a
24 vessel with:

25 (i) Those containers or materials described under (a) of this
26 subsection where the transferee demonstrates to the institution of
27 higher education's satisfaction that the container's or material's
28 presence is consistent with the anticipated use of the vessel; and

29 (ii) A reasonable amount of fuel as determined by the institution
30 of higher education, based on factors including the vessel's size,
31 condition, and anticipated use of the vessel including initial
32 destination following transfer.

33 (c) The institution of higher education may consult with the
34 department of ecology in carrying out the requirements of this
35 subsection.

36 (3) Prior to sale, and unless the vessel has a title or valid
37 marine document, the institution of higher education is required to
38 apply for a certificate of title for the vessel under RCW 88.02.510
39 and register the vessel under RCW 88.02.550.

1 **Sec. 22.** RCW 28B.130.010 and 1993 c 447 s 2 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Transportation fee" means the fee charged to employees and
6 students at institutions of higher education for the purposes
7 provided in RCW 28B.130.020.

8 (2) "Transportation demand management program" means the set of
9 strategies adopted by an institution of higher education to reduce
10 the number of single-occupant vehicles traveling to its campus. These
11 strategies may include but are not limited to those identified in RCW
12 (~~((70.94.531))~~) 70A.15.4040.

13 **Sec. 23.** RCW 34.05.272 and 2019 c 292 s 11 are each amended to
14 read as follows:

15 (1) This section applies only to the water quality and shorelands
16 and environmental assistance programs within the department of
17 ecology and to actions taken by the department of ecology under
18 chapter (~~((70.365))~~) 70A.350 RCW.

19 (2)(a) Before taking a significant agency action, which includes
20 each department of ecology rule to implement a determination of a
21 regulatory action specified in RCW (~~((70.365.040))~~) 70A.350.040(1) (b)
22 or (c), the department of ecology must identify the sources of
23 information reviewed and relied upon by the agency in the course of
24 preparing to take significant agency action. Peer-reviewed
25 literature, if applicable, must be identified, as well as any
26 scientific literature or other sources of information used. The
27 department of ecology shall make available on the agency's web site
28 the index of records required under RCW 42.56.070 that are relied
29 upon, or invoked, in support of a proposal for significant agency
30 action.

31 (b) On the agency's web site, the department of ecology must
32 identify and categorize each source of information that is relied
33 upon in the form of a bibliography, citation list, or similar list of
34 sources. The categories in (c) of this subsection do not imply or
35 infer any hierarchy or level of quality.

36 (c) The bibliography, citation list, or similar list of sources
37 must categorize the sources of information as belonging to one or
38 more of the following categories:

(i) Independent peer review: Review is overseen by an independent third party;

(ii) Internal peer review: Review by staff internal to the department of ecology;

(iii) External peer review: Review by persons that are external to and selected by the department of ecology;

(iv) Open review: Documented open public review process that is not limited to invited organizations or individuals;

(v) Legal and policy document: Documents related to the legal framework for the significant agency action including but not limited to:

- (A) Federal and state statutes;
- (B) Court and hearings board decisions;
- (C) Federal and state administrative rules and regulations; and
- (D) Policy and regulatory documents adopted by local governments;

(vi) Data from primary research, monitoring activities, or other sources, but that has not been incorporated as part of documents reviewed under the processes described in (c)(i), (ii), (iii), and (iv) of this subsection;

(vii) Records of the best professional judgment of department of ecology employees or other individuals; or

(viii) Other: Sources of information that do not fit into one of the categories identified in this subsection (2)(c).

(3) For the purposes of this section, "significant agency action" means an act of the department of ecology that:

- (a) Results in the development of a significant legislative rule as defined in RCW 34.05.328; or
- (b) Results in the development of technical guidance, technical assessments, or technical documents that are used to directly support implementation of a state rule or state statute.

(4) This section is not intended to affect agency action regarding individual permitting, compliance and enforcement decisions, or guidance provided by an agency to a local government on a case-by-case basis.

Sec. 24. RCW 35A.56.010 and 2015 c 53 s 59 are each amended to read as follows:

Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same

1 extent as such laws apply to and affect other classes of cities and
2 towns and their employees, including, without limitation, the
3 following: (1) Chapter ((70.94)) 70A.15 RCW, relating to air
4 pollution control; (2) chapter 68.52 RCW, relating to cemetery
5 districts; (3) chapter 29A.28 RCW, relating to congressional
6 districts; (4) chapters 14.07 and 14.08 RCW, relating to municipal
7 airport districts; (5) chapter 36.88 RCW, relating to county road
8 improvement districts; (6) Title 85 RCW, relating to diking
9 districts, drainage districts, and drainage improvement districts;
10 (7) chapter 36.54 RCW, relating to ((ferry-districts)) county-owned
11 ferries; (8) Title 52 RCW, relating to fire protection districts; (9)
12 Title 86 RCW, relating to flood control districts and flood control;
13 (10) chapter 70.46 RCW, relating to health districts; (11) chapters
14 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts;
15 (12) chapter 35.61 RCW, relating to metropolitan park districts; (13)
16 chapter 35.58 RCW, relating to metropolitan municipalities; (14)
17 chapter 17.28 RCW, relating to mosquito control districts; (15)
18 chapter 17.12 RCW, relating to agricultural pest districts; (16)
19 Title 53 RCW, relating to port districts; (17) chapter 70.44 RCW,
20 relating to public hospital districts; (18) Title 54 RCW, relating to
21 public utility districts; (19) chapter 91.08 RCW, relating to public
22 waterway districts; (20) chapter 89.12 RCW, relating to reclamation
23 districts; (21) chapters 57.02 through 57.36 RCW, relating to water-
24 sewer districts; and (22) chapter 17.04 RCW, relating to weed
25 districts.

26 **Sec. 25.** RCW 36.32.265 and 1989 c 399 s 8 are each amended to
27 read as follows:

28 RCW 36.32.240, 36.32.250, and 36.32.260 do not apply to the
29 selection of persons or entities to construct or develop water
30 pollution control facilities or to provide water pollution control
31 services under RCW ((70.150.040)) 70A.140.040 or the selection of
32 persons or entities to construct or develop solid waste handling
33 facilities or to provide solid waste handling services under RCW
34 36.58.090.

35 **Sec. 26.** RCW 39.04.175 and 1989 c 399 s 11 are each amended to
36 read as follows:

37 This chapter does not apply to the selection of persons or
38 entities to construct or develop water pollution control facilities

1 or to provide water pollution control services under RCW
2 (~~(70.150.040)~~) 70A.140.040 or the selection of persons or entities to
3 construct or develop solid waste handling facilities or to provide
4 solid waste handling services under RCW 35.21.156 or under RCW
5 36.58.090.

6 **Sec. 27.** RCW 39.26.265 and 2011 1st sp.s. c 43 s 229 are each
7 amended to read as follows:

8 (1) The department shall establish purchasing and procurement
9 policies that establish a preference for electronic products that
10 meet environmental performance standards relating to the reduction or
11 elimination of hazardous materials.

12 (2) The department shall ensure that their surplus electronic
13 products, other than those sold individually to private citizens, are
14 managed only by registered transporters and by processors meeting the
15 requirements of RCW (~~(70.95N.250)~~) 70A.500.250.

16 (3) The department shall ensure that their surplus electronic
17 products are directed to legal secondary materials markets by
18 requiring a chain of custody record that documents to whom the
19 products were initially delivered through to the end use
20 manufacturer.

21 **Sec. 28.** RCW 39.26.310 and 2019 c 284 s 9 are each amended to
22 read as follows:

23 (1) The department shall establish purchasing and procurement
24 policies that provide a preference for products that:

25 (a) Are not restricted under RCW (~~(70.235.080)~~) 70A.45.080;

26 (b) Do not contain hydrofluorocarbons or contain
27 hydrofluorocarbons with a comparatively low global warming potential;

28 (c) Are not designed to function only in conjunction with
29 hydrofluorocarbons characterized by a comparatively high global
30 warming potential; and

31 (d) Were not manufactured using hydrofluorocarbons or were
32 manufactured using hydrofluorocarbons with a low global warming
33 potential.

34 (2) No agency may knowingly purchase products that are not
35 accorded a preference in the purchasing and procurement policies
36 established by the department pursuant to subsection (1) of this
37 section, unless there is no cost-effective and technologically
38 feasible option that is accorded a preference.

1 (3) Nothing in this section requires the department or any other
2 state agency to breach an existing contract or dispose of stock that
3 has been ordered or is in the possession of the department or other
4 state agency as of July 28, 2019.

5 (4) By December 1, 2020, and each December 1st of even-numbered
6 years thereafter, the department must submit a status report to the
7 appropriate committees of the house of representatives and senate
8 regarding the implementation and compliance of the department and
9 state agencies with this section.

10 **Sec. 29.** RCW 39.34.190 and 2008 c 301 s 26 are each amended to
11 read as follows:

12 (1) The legislative authority of a city or county and the
13 governing body of any special purpose district enumerated in
14 subsection (2) of this section may authorize up to ten percent of its
15 water-related revenues to be expended in the implementation of
16 watershed management plan projects or activities that are in addition
17 to the county's, city's, or district's existing water-related
18 services or activities. Such limitation on expenditures shall not
19 apply to water-related revenues of a public utility district
20 organized according to Title 54 RCW. Water-related revenues include
21 rates, charges, and fees for the provision of services relating to
22 water supply, treatment, distribution, and management generally, and
23 those general revenues of the local government that are expended for
24 water management purposes. A local government may not expend for this
25 purpose any revenues that were authorized by voter approval for other
26 specified purposes or that are specifically dedicated to the
27 repayment of municipal bonds or other debt instruments.

28 (2) The following special purpose districts may exercise the
29 authority provided by this section:

30 (a) Water districts, sewer districts, and water-sewer districts
31 organized under Title 57 RCW;

32 (b) Public utility districts organized under Title 54 RCW;

33 (c) Irrigation, reclamation, conservation, and similar districts
34 organized under Titles 87 and 89 RCW;

35 (d) Port districts organized under Title 53 RCW;

36 (e) Diking, drainage, and similar districts organized under Title
37 85 RCW;

38 (f) Flood control and similar districts organized under Title 86
39 RCW;

(g) Lake or beach management districts organized under chapter 36.61 RCW;

(h) Aquifer protection areas organized under chapter 36.36 RCW; and

(i) Shellfish protection districts organized under chapter 90.72 RCW.

(3) The authority for expenditure of local government revenues provided by this section shall be applicable broadly to the implementation of watershed management plans addressing water supply, water transmission, water quality treatment or protection, or any other water-related purposes. Such plans include but are not limited to plans developed under the following authorities:

(a) Watershed plans developed under chapter 90.82 RCW;

(b) Salmon recovery plans developed under chapter 77.85 RCW;

(c) Watershed management elements of comprehensive land use plans developed under the growth management act, chapter 36.70A RCW;

(d) Watershed management elements of shoreline master programs developed under the shoreline management act, chapter 90.58 RCW;

(e) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW and chapter 400-12 WAC;

(f) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;

(g) Coordinated water system plans under chapter ((70.116)) 70A.100 RCW and similar regional plans for water supply; and

(h) Any combination of the foregoing plans in an integrated watershed management plan.

(4) The authority provided by this section to expend revenues for watershed management plan implementation shall be construed broadly to include, but not be limited to:

(a) The coordination and oversight of plan implementation, including funding a watershed management partnership for this purpose;

(b) Technical support, monitoring, and data collection and analysis;

(c) The design, development, construction, and operation of projects included in the plan; and

(d) Conducting activities and programs included as elements in the plan.

1 **Sec. 30.** RCW 43.01.225 and 2011 1st sp.s. c 43 s 253 are each
2 amended to read as follows:

3 There is hereby established an account in the state treasury to
4 be known as the "state vehicle parking account." All parking rental
5 income resulting from parking fees established by the department of
6 enterprise services under RCW 46.08.172 at state-owned or leased
7 property shall be deposited in the "state vehicle parking account."
8 Revenue deposited in the "state vehicle parking account" shall be
9 first applied to pledged purposes. Unpledged parking revenues
10 deposited in the "state vehicle parking account" may be used to:

11 (1) Pay costs incurred in the operation, maintenance, regulation,
12 and enforcement of vehicle parking and parking facilities;

13 (2) Support the lease costs and/or capital investment costs of
14 vehicle parking and parking facilities; and

15 (3) Support agency commute trip reduction programs under RCW
16 (~~((70.94.521 through 70.94.551))~~) 70A.15.4000 through 70A.15.4100.

17 **Sec. 31.** RCW 43.01.230 and 1995 c 215 s 1 are each amended to
18 read as follows:

19 State agencies may, under the internal revenue code rules, use
20 public funds to financially assist agency-approved incentives for
21 alternative commute modes, including but not limited to carpools,
22 vanpools, purchase of transit and ferry passes, and guaranteed ride
23 home programs, if the financial assistance is an element of the
24 agency's commute trip reduction program as required under RCW
25 (~~((70.94.521 through 70.94.551))~~) 70A.15.4000 through 70A.15.4100. This
26 section does not permit any payment for the use of state-owned
27 vehicles for commuter ride sharing.

28 **Sec. 32.** RCW 43.01.240 and 2015 c 225 s 58 are each amended to
29 read as follows:

30 (1) There is hereby established an account in the state treasury
31 to be known as the state agency parking account. All parking income
32 collected from the fees imposed by state agencies on parking spaces
33 at state-owned or leased facilities, including the capitol campus,
34 shall be deposited in the state agency parking account. Only the
35 office of financial management may authorize expenditures from the
36 account. The account is subject to allotment procedures under chapter
37 43.88 RCW, but no appropriation is required for expenditures. No

1 agency may receive an allotment greater than the amount of revenue
2 deposited into the state agency parking account.

3 (2) An agency may, as an element of the agency's commute trip
4 reduction program to achieve the goals set forth in RCW (~~(70.94.527)~~)
5 70A.15.4020, impose parking rental fees at state-owned and leased
6 properties. These fees will be deposited in the state agency parking
7 account. Each agency shall establish a committee to advise the agency
8 director on parking rental fees, taking into account the market rate
9 of comparable, privately owned rental parking in each region. The
10 agency shall solicit representation of the employee population
11 including, but not limited to, management, administrative staff,
12 production workers, and state employee bargaining units. Funds shall
13 be used by agencies to: (a) Support the agencies' commute trip
14 reduction program under RCW (~~(70.94.521 through 70.94.551)~~)
15 70A.15.4000 through 70A.15.4100; (b) support the agencies' parking
16 program; or (c) support the lease or ownership costs for the
17 agencies' parking facilities.

18 (3) In order to reduce the state's subsidization of employee
19 parking, after July 1997 agencies shall not enter into leases for
20 employee parking in excess of building code requirements, except as
21 authorized by the director of enterprise services. In situations
22 where there are fewer parking spaces than employees at a worksite,
23 parking must be allocated equitably, with no special preference given
24 to managers.

25 **Sec. 33.** RCW 43.19.623 and 1993 c 394 s 3 are each amended to
26 read as follows:

27 Pursuant to policies and regulations promulgated by the office of
28 financial management, an elected state officer or delegate or a state
29 agency director or delegate may permit an employee to commute in a
30 state-owned or leased vehicle if such travel is on official business,
31 as determined in accordance with RCW (~~(43.41.130)~~) 43.19.622, and is
32 determined to be economical and advantageous to the state, or as part
33 of a commute trip reduction program as required by RCW (~~(70.94.551)~~)
34 70A.15.4100.

35 **Sec. 34.** RCW 43.19.637 and 2002 c 285 s 3 are each amended to
36 read as follows:

37 (1) At least thirty percent of all new vehicles purchased through
38 a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. In the event that vehicles designed to operate exclusively on clean fuels are not available or would not meet the operational requirements for which a vehicle is to be procured, conventionally powered vehicles may be converted to clean fuel or dual fuel use to meet the requirements of this section.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) The provisions for purchasing clean-fuel vehicles under subsections (1) and (2) of this section are intended as minimum levels. The department should seek to increase the purchasing levels of clean-fuel vehicles above the minimum. The department must also investigate all opportunities to aggregate their purchasing with local governments to determine whether or not they can lower their costs and make it cost-efficient to increase the percentage of clean-fuel or high gas mileage vehicles in both the state and local fleets.

(7) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in RCW (~~70.120.210~~) 70A.25.120.

Sec. 35. RCW 43.19.800 and 2013 c 291 s 6 are each amended to read as follows:

(1) Following the inspection required under RCW 43.19.1919 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW ((~~70.105D.020~~)) 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection (2).

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

Sec. 36. RCW 43.19A.010 and 2011 1st sp.s. c 43 s 250 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter ((~~70.95J~~)) 70A.226 RCW.

(2) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(3) "Department" means the department of enterprise services.

(4) "Director" means the director of the department of enterprise services.

(5) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.

1 (6) "Lubricating oil" means petroleum-based oils for reducing
2 friction in engine parts and other mechanical parts.

3 (7) "Mixed waste paper" means assorted low-value grades of paper
4 that have not been separated into individual grades of paper at the
5 point of collection.

6 (8) "Municipal sewage sludge" means a semisolid substance
7 consisting of settled sewage solids combined with varying amounts of
8 water and dissolved materials generated from a publicly owned
9 wastewater treatment plant.

10 (9) "Paper and paper products" means all items manufactured from
11 paper or paperboard.

12 (10) "Postconsumer waste" means a material or product that has
13 served its intended use and has been discarded for disposal or
14 recovery by a final consumer.

15 (11) "Procurement officer" means the person that has the primary
16 responsibility for procurement of materials or products.

17 (12) "Recycled content product" or "recycled product" means a
18 product containing recycled materials.

19 (13) "Recycled materials" means waste materials and by-products
20 that have been recovered or diverted from solid waste and that can be
21 utilized in place of a raw or virgin material in manufacturing a
22 product and consists of materials derived from postconsumer waste,
23 manufacturing waste, industrial scrap, agricultural wastes, and other
24 items, all of which can be used in the manufacture of new or recycled
25 products.

26 (14) "Re-refined oils" means used lubricating oils from which the
27 physical and chemical contaminants acquired through previous use have
28 been removed through a refining process. Re-refining may include
29 distillation, hydrotreating, or treatments employing acid, caustic,
30 solvent, clay, or other chemicals, or other physical treatments other
31 than those used in reclaiming.

32 (15) "State agency" means all units of state government,
33 including divisions of the governor's office, the legislature, the
34 judiciary, state agencies and departments, correctional institutions,
35 vocational technical institutions, and universities and colleges.

36 (16) "USEPA product standards" means the product standards of the
37 United States environmental protection agency for recycled content
38 published in the Code of Federal Regulations.

1 **Sec. 37.** RCW 43.20.050 and 2011 c 27 s 1 are each amended to
2 read as follows:

3 (1) The state board of health shall provide a forum for the
4 development of public health policy in Washington state. It is
5 authorized to recommend to the secretary means for obtaining
6 appropriate citizen and professional involvement in all public health
7 policy formulation and other matters related to the powers and duties
8 of the department. It is further empowered to hold hearings and
9 explore ways to improve the health status of the citizenry.

10 In fulfilling its responsibilities under this subsection, the
11 state board may create ad hoc committees or other such committees of
12 limited duration as necessary.

13 (2) In order to protect public health, the state board of health
14 shall:

15 (a) Adopt rules for group A public water systems, as defined in
16 RCW ((~~70.119A.020~~)) 70A.125.010, necessary to assure safe and
17 reliable public drinking water and to protect the public health. Such
18 rules shall establish requirements regarding:

19 (i) The design and construction of public water system
20 facilities, including proper sizing of pipes and storage for the
21 number and type of customers;

22 (ii) Drinking water quality standards, monitoring requirements,
23 and laboratory certification requirements;

24 (iii) Public water system management and reporting requirements;

25 (iv) Public water system planning and emergency response
26 requirements;

27 (v) Public water system operation and maintenance requirements;

28 (vi) Water quality, reliability, and management of existing but
29 inadequate public water systems; and

30 (vii) Quality standards for the source or supply, or both source
31 and supply, of water for bottled water plants;

32 (b) Adopt rules as necessary for group B public water systems, as
33 defined in RCW ((~~70.119A.020~~)) 70A.125.010. The rules shall, at a
34 minimum, establish requirements regarding the initial design and
35 construction of a public water system. The state board of health
36 rules may waive some or all requirements for group B public water
37 systems with fewer than five connections;

38 (c) Adopt rules and standards for prevention, control, and
39 abatement of health hazards and nuisances related to the disposal of
40 human and animal excreta and animal remains;

1 (d) Adopt rules controlling public health related to
2 environmental conditions including but not limited to heating,
3 lighting, ventilation, sanitary facilities, and cleanliness in public
4 facilities including but not limited to food service establishments,
5 schools, recreational facilities, and transient accommodations;

6 (e) Adopt rules for the imposition and use of isolation and
7 quarantine;

8 (f) Adopt rules for the prevention and control of infectious and
9 noninfectious diseases, including food and vector borne illness, and
10 rules governing the receipt and conveyance of remains of deceased
11 persons, and such other sanitary matters as may best be controlled by
12 universal rule; and

13 (g) Adopt rules for accessing existing databases for the purposes
14 of performing health related research.

15 (3) The state board shall adopt rules for the design,
16 construction, installation, operation, and maintenance of those
17 on-site sewage systems with design flows of less than three thousand
18 five hundred gallons per day.

19 (4) The state board may delegate any of its rule-adopting
20 authority to the secretary and rescind such delegated authority.

21 (5) All local boards of health, health authorities and officials,
22 officers of state institutions, police officers, sheriffs,
23 constables, and all other officers and employees of the state, or any
24 county, city, or township thereof, shall enforce all rules adopted by
25 the state board of health. In the event of failure or refusal on the
26 part of any member of such boards or any other official or person
27 mentioned in this section to so act, he or she shall be subject to a
28 fine of not less than fifty dollars, upon first conviction, and not
29 less than one hundred dollars upon second conviction.

30 (6) The state board may advise the secretary on health policy
31 issues pertaining to the department of health and the state.

32 **Sec. 38.** RCW 43.20.065 and 2019 c 21 s 2 are each amended to
33 read as follows:

34 (1) Rules adopted by the state board under RCW 43.20.050(3)
35 regarding failures of on-site sewage systems must:

36 (a) Give first priority to allowing repair and second priority to
37 allowing replacement of an existing conventional on-site sewage
38 system, consisting of a septic tank and drainfield, with a similar
39 conventional system;

1 (b) Not impose or allow the imposition of more stringent
2 performance requirements of equivalent on-site sewage systems on
3 private entities than public entities; and

4 (c) Allow a system to be repaired using the least expensive
5 alternative that meets standards and is likely to provide comparable
6 or better long-term sewage treatment and effluent dispersal outcomes.

7 (2) Rules adopted by the state board under RCW 43.20.050(3)
8 regarding inspections must:

9 (a) Require any inspection of an on-site sewage system carried
10 out by a certified professional inspector or public agency to be
11 coordinated with the owner of the on-site sewage system prior to
12 accessing the on-site sewage system;

13 (b) Require any inspection of an on-site sewage system carried
14 out by a certified professional inspector or responsible public
15 agency to be authorized by the owner of the on-site sewage system
16 prior to accessing the on-site sewage system;

17 (c) Allow, in cases where an inspection has not been authorized
18 by a property owner, the local health jurisdiction to follow the
19 procedures established for an administrative search warrant in RCW
20 (~~(70.118.030)~~) 70A.105.030; and

21 (d) Forbid local health jurisdictions from requiring private
22 property owners to grant inspection or maintenance easements for on-
23 site sewage systems as a condition of permit issuance for on-site
24 sewage systems that are located on a single property and service a
25 single dwelling unit.

26 **Sec. 39.** RCW 43.21K.010 and 2003 c 39 s 25 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "State, regional, or local agency" means an agency, board,
31 department, authority, or commission that administers environmental
32 laws.

33 (2) "Coordinating agency" means the state, regional, or local
34 agency with the primary regulatory responsibility for the proposed
35 environmental excellence program agreement. If multiple agencies have
36 jurisdiction to administer state environmental laws affected by an
37 environmental excellence agreement, the department of ecology shall
38 designate or act as the coordinating agency.

1 (3) "Director" means the individual or body of individuals in
2 whom the ultimate legal authority of an agency is vested by any
3 provision of law. If the agency head is a body of individuals, a
4 majority of those individuals constitutes the director.

5 (4) "Environmental laws" means chapters 43.21A, (~~70.94, 70.95,~~
6 ~~70.105, 70.119A~~)) 70A.15, 70A.205, 70A.300, 70A.125, 77.55, 90.48,
7 90.52, 90.58, 90.64, and 90.71 RCW, and RCW 90.54.020(3)(b) and rules
8 adopted under those chapters and section. The term environmental laws
9 as used in this chapter does not include any provision of the Revised
10 Code of Washington, or of any municipal ordinance or enactment, that
11 regulates the selection of a location for a new facility.

12 (5) "Facility" means a site or activity that is regulated under
13 any of the provisions of the environmental laws.

14 (6) "Legal requirement" includes any provision of an
15 environmental law, rule, order, or permit.

16 (7) "Sponsor" means the owner or operator of a facility,
17 including a municipal corporation, subject to regulation under the
18 environmental laws of the state of Washington, or an authorized
19 representative of the owner or operator, that submits a proposal for
20 an environmental excellence program agreement.

21 (8) "Stakeholder" means a person who has a direct interest in the
22 proposed environmental excellence program agreement or who represents
23 a public interest in the proposed environmental excellence program
24 agreement. Stakeholders may include communities near the project,
25 local or state governments, permittees, businesses, environmental and
26 other public interest groups, employees or employee representatives,
27 or other persons.

28 **Sec. 40.** RCW 43.21K.020 and 1997 c 381 s 3 are each amended to
29 read as follows:

30 An environmental excellence program agreement entered into under
31 this chapter must achieve more effective or efficient environmental
32 results than the results that would be otherwise achieved. The basis
33 for comparison shall be a reasonable estimate of the overall impact
34 of the participating facility on the environment in the absence of an
35 environmental excellence program agreement. More effective
36 environmental results are results that are better overall than those
37 that would be achieved under the legal requirements superseded or
38 replaced by the agreement. More efficient environmental results are
39 results that are achieved at reduced cost but do not decrease the

1 overall environmental results achieved by the participating facility.
2 An environmental excellence program agreement may not authorize
3 either (1) the release of water pollutants that will cause to be
4 exceeded, at points of compliance in the ambient environment
5 established pursuant to law, numeric surface water or groundwater
6 quality criteria or numeric sediment quality criteria adopted as
7 rules under chapter 90.48 RCW; or (2) the emission of any air
8 contaminants that will cause to be exceeded any air quality standard
9 as defined in RCW (~~(70.94.030)~~) 70A.15.1030(3); or (3) a decrease in
10 the overall environmental results achieved by the participating
11 facility compared with results achieved over a representative period
12 before the date on which the agreement is proposed by the sponsor.
13 However, an environmental excellence program agreement may authorize
14 reasonable increases in the release of pollutants to permit increases
15 in facility production or facility expansion and modification.

16 **Sec. 41.** RCW 43.21K.030 and 1997 c 381 s 4 are each amended to
17 read as follows:

18 (1) The director of a state, regional, or local agency may enter
19 into an environmental excellence program agreement with any sponsor,
20 even if one or more of the terms of the environmental excellence
21 program agreement would be inconsistent with an otherwise applicable
22 legal requirement. An environmental excellence program agreement must
23 meet the requirements of RCW 43.21K.020. Otherwise applicable legal
24 requirements identified according to RCW 43.21K.060(1) shall be
25 superseded and replaced in accordance with RCW 43.21K.080.

26 (2) The director of a state, regional, or local agency may enter
27 into an environmental excellence program agreement only to the extent
28 the state, regional, or local agency has jurisdiction to administer
29 state environmental laws either directly or indirectly through the
30 adoption of rules.

31 (3) Where a sponsor proposes an environmental excellence program
32 agreement that would affect legal requirements applicable to the
33 covered facility that are administered by more than one state,
34 regional, or local agency, the coordinating agency shall take the
35 lead in developing the environmental excellence program agreement
36 with the sponsor and other agencies administering legal requirements
37 applicable to the covered facility and affected by the agreement. The
38 environmental excellence program agreement does not become effective
39 until the agreement is approved by the director of each agency

administering legal requirements identified according to RCW 43.21K.060(1).

(4) No director may enter into an environmental excellence program agreement applicable to a remedial action conducted under the Washington model toxics control act, chapter ((70.105D)) 70A.305 RCW, or the federal comprehensive environmental response, compensation and liability act (42 U.S.C. Sec. 9601 et seq.). No action taken under this chapter shall be deemed a waiver of any applicable, relevant, or appropriate requirements for any remedial action conducted under the Washington model toxics control act or the federal comprehensive environmental response, compensation and liability act.

(5) The directors of state, regional, or local agencies shall not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements adopted to comply with provisions of a federal regulatory program and to which the responsible federal agency objects after notice under the terms of RCW 43.21K.070(4).

(6) The directors of regional or local governments may not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements that are subject to review or appeal by a state agency, including but not limited to chapters ((70.94, 70.95)) 70A.15, 70A.205, and 90.58 RCW, and to which the responsible state agency objects after notice is given under the terms of RCW 43.21K.070(4).

Sec. 42. RCW 43.30.570 and 2013 c 291 s 8 are each amended to read as follows:

(1) Following the inspection required under RCW 43.30.565 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW ((70.105D.020)) 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

Sec. 43. RCW 43.42.070 and 2012 c 196 s 4 are each amended to read as follows:

(1) The office may enter into cost-reimbursement agreements with a project proponent to recover from the project proponent the reasonable costs incurred by the office in carrying out the provisions of this chapter. The agreement must include provisions for covering the costs incurred by the permit agencies that are participating in the cost-reimbursement project and carrying out permit processing or project review tasks referenced in the cost-reimbursement agreement.

(2) The office must maintain policies or guidelines for coordinating cost-reimbursement agreements with participating agencies, project proponents, and independent consultants. Policies or guidelines must ensure that, in developing cost-reimbursement agreements, conflicts of interest are eliminated. The policies must also support effective use of cost-reimbursement resources to address staffing and capacity limitations as may be relevant within the office or participating permit agencies.

(3) For fully coordinated permit processes and priority economic recovery projects selected pursuant to this section, the office must coordinate the negotiation of all cost-reimbursement agreements executed under RCW 43.21A.690, 43.30.490, 43.70.630, 43.300.080, and ~~((70.94.085))~~ 70A.15.1570. The office, project proponent, and participating permit agencies must be signatories to the cost-

1 reimbursement agreement or agreements. Each participating permit
2 agency must manage performance of its portion of the cost-
3 reimbursement agreement. Independent consultants hired under a cost-
4 reimbursement agreement must report directly to the hiring office or
5 participating permit agency. Any cost-reimbursement agreement must
6 require that final decisions are made by the participating permit
7 agency and not by a hired independent consultant.

8 (4) For any project using cost reimbursement, the cost-
9 reimbursement agreement must require the office and participating
10 permit agencies to develop and periodically update a project work
11 plan, which the office must provide on the internet and share with
12 each party to the agreement.

13 (5) (a) The cost-reimbursement agreement must identify the
14 proposed project, the desired outcomes, and the maximum costs for
15 work to be conducted under the agreement. The desired outcomes must
16 refer to the decision-making process and may not prejudice or
17 predetermine whether decisions will be to approve or deny any
18 required permit or other application. Each participating permit
19 agency must agree to give priority to the cost-reimbursement project
20 but may in no way reduce or eliminate regulatory requirements as part
21 of the priority review.

22 (b) Reasonable costs are determined based on time and materials
23 estimates with a provision for contingencies, or set as a flat fee
24 tied to a reasonable estimate of staff hours required.

25 (c) The cost-reimbursement agreement may include deliverables and
26 schedules for invoicing and reimbursement. The office may require
27 advance payment of some or all of the agreed reimbursement, to be
28 held in reserve and distributed to participating permit agencies and
29 the office upon approval of invoices by the project proponent. The
30 project proponent has thirty days to request additional information
31 or challenge an invoice. If an invoice is challenged, the office must
32 respond and attempt to resolve the challenge within thirty days. If
33 the office is unable to resolve the challenge within thirty days, the
34 challenge must be submitted to the office of financial management. A
35 decision on such a challenge must be made by the office of financial
36 management and approved by the director of the office of financial
37 management and is binding on the parties.

38 (d) Upon request, the office must verify whether participating
39 permit agencies have met the obligations contained in the project
40 work plan and cost-reimbursement agreement.

1 (6) If a party to the cost-reimbursement agreement foresees, at
2 any time, that it will be unable to meet its obligations under the
3 agreement, it must notify the office and state the reasons, along
4 with proposals for resolving the problems. The office must notify the
5 other parties to the cost-reimbursement agreement and seek to resolve
6 the problems by adjusting invoices, deliverables, or the project work
7 plan, or through some other accommodation.

8 **Sec. 44.** RCW 43.70.080 and 2018 c 201 s 8009 are each amended to
9 read as follows:

10 The powers and duties of the department of social and health
11 services and the secretary of social and health services under the
12 following statutes are hereby transferred to the department of health
13 and the secretary of health: Chapters 16.70, 18.46, 18.71, 18.73,
14 18.76, 69.30, 70.28, 70.30, 70.50, 70.58, 70.62, 70.83, 70.90,
15 ~~((70.98)) 70A.388,~~ 70.104, ~~((70.116, 70.118, 70.119, 70.119A,~~
16 ~~70.121)) 70A.100, 70A.105, 70A.120, 70A.125, 70A.310,~~ 70.127,
17 ~~((70.142)) 70A.130,~~ and 80.50 RCW. More specifically, the following
18 programs and services presently administered by the department of
19 social and health services are hereby transferred to the department
20 of health:

21 (1) Personal health and protection programs and related
22 management and support services, including, but not limited to:
23 Immunizations; tuberculosis; sexually transmitted diseases; AIDS;
24 diabetes control; primary health care; cardiovascular risk reduction;
25 kidney disease; regional genetic services; newborn metabolic
26 screening; sentinel birth defects; cytogenetics; communicable disease
27 epidemiology; and chronic disease epidemiology;

28 (2) Environmental health protection services and related
29 management and support services, including, but not limited to:
30 Radiation, including X-ray control, radioactive materials, uranium
31 mills, low-level waste, emergency response and reactor safety, and
32 environmental radiation protection; drinking water; toxic substances;
33 on-site sewage; recreational water contact facilities; food services
34 sanitation; shellfish; and general environmental health services,
35 including schools, vectors, parks, and camps;

36 (3) Public health laboratory;

37 (4) Public health support services, including, but not limited
38 to: Vital records; health data; local public health services support;
39 and health education and information;

(5) Licensing and certification services including, but not limited to: Behavioral health agencies, agencies providing problem and pathological gambling treatment, health and personal care facility survey, construction review, emergency medical services, laboratory quality assurance, and accommodations surveys; and

(6) Effective January 1, 1991, parent and child health services and related management support services, including, but not limited to: Maternal and infant health; child health; parental health; nutrition; services for children with disabilities; family planning; adolescent pregnancy services; high priority infant tracking; early intervention; parenting education; prenatal regionalization; and power and duties under RCW 43.20A.635. The director of the office of financial management may recommend to the legislature a delay in this transfer, if it is determined that this time frame is not adequate.

Sec. 45. RCW 43.70.660 and 2008 c 288 s 6 are each amended to read as follows:

(1) The legislature authorizes the secretary to establish and maintain a product safety education campaign to promote greater awareness of products designed to be used by infants and children that:

(a) Are recalled by the United States consumer products safety commission;

(b) Do not meet federal safety regulations and voluntary safety standards;

(c) Are unsafe or illegal to place into the stream of commerce under the infant crib safety act, chapter 70.111 RCW; or

(d) Contain chemicals of high concern for children as identified under RCW (~~(70.240.030)~~) 70A.430.040.

(2) The department shall make reasonable efforts to ensure that this infant and children product safety education campaign reaches the target population. The target population for this campaign includes, but is not limited to, parents, foster parents and other caregivers, child care providers, consignment and resale stores selling infant and child products, and charitable and governmental entities serving infants, children, and families.

(3) The secretary may utilize a combination of methods to achieve this outreach and education goal, including but not limited to print and electronic media. The secretary may operate the campaign or may contract with a vendor.

1 (4) The department shall coordinate this infant and children
2 product safety education campaign with child-serving entities
3 including, but not limited to, hospitals, birthing centers, midwives,
4 pediatricians, obstetricians, family practice physicians,
5 governmental and private entities serving infants, children, and
6 families, and relevant manufacturers.

7 (5) The department shall coordinate with other agencies and
8 entities to eliminate duplication of effort in disseminating infant
9 and children consumer product safety information.

10 (6) The department may receive funding for this infant and
11 children product safety education effort from federal, state, and
12 local governmental entities, child-serving foundations, or other
13 private sources.

14 **Sec. 46.** RCW 43.83.350 and 2015 1st sp.s. c 4 s 40 are each
15 amended to read as follows:

16 (1) The state and local improvements revolving account, Waste
17 Disposal Facilities, 1980 is hereby created in the state treasury and
18 shall be used exclusively for the purpose of providing funds to
19 public bodies for the planning, design, acquisition, construction,
20 and improvement of public waste disposal and management facilities,
21 or for purposes of assisting a public body to obtain an ownership
22 interest in waste disposal and management facilities and/or to defray
23 a part of the payments made by a public body to a service provider
24 under a service agreement entered into pursuant to RCW ((70.150.060))
25 70A.140.060, in this state.

26 (2) "Waste disposal and management facilities" means any
27 facilities or systems for the control, collection, storage,
28 treatment, disposal, recycling, or recovery of nonradioactive liquid
29 wastes or nonradioactive solid wastes, or a combination thereof,
30 including, but not limited to, sanitary sewage, stormwater,
31 residential, industrial, commercial, and agricultural wastes, and
32 concentrations of organic sediments waste, inorganic nutrients, and
33 toxic materials which are causing environmental degradation and loss
34 of the beneficial use of the environment, and material segregated
35 into recyclables and nonrecyclables. Waste disposal and management
36 facilities may include all equipment, utilities, structures, real
37 property, and interest in and improvements on real property necessary
38 for or incidental to such purpose. As used in this chapter, the
39 phrase "waste disposal and management facilities" shall not include

1 the acquisition of equipment used to collect residential or
2 commercial garbage.

3 (3) "Public body" means the state of Washington or any agency,
4 political subdivision, taxing district, or municipal corporation
5 thereof, an agency of the federal government, and those Indian tribes
6 now or hereafter recognized as such by the federal government.

7 (4) "Control" means those measures necessary to maintain and/or
8 restore the beneficial uses of polluted land and water resources
9 including, but not limited to, the diversion, sedimentation,
10 flocculation, dredge and disposal, or containment or treatment of
11 nutrients, organic waste, and toxic material to restore the
12 beneficial use of the state's land and water resources and prevent
13 the continued pollution of these resources.

14 (5) "Planning" means the development of comprehensive plans for
15 the purpose of identifying statewide or regional needs for specific
16 waste disposal facilities as well as the development of plans
17 specific to a particular project.

18 **Sec. 47.** RCW 43.131.421 and 2014 c 119 s 7 are each amended to
19 read as follows:

20 The mercury-containing lights product stewardship program as
21 established under chapter ((70.275)) 70A.505 RCW is terminated July
22 1, 2025, as provided in RCW 43.131.422.

23 **Sec. 48.** RCW 43.131.422 and 2017 c 254 s 4 are each amended to
24 read as follows:

25 The following acts or parts of acts, as now existing or hereafter
26 amended, are each repealed, effective July 1, 2026:

27 (1) RCW ((70.275.010)) 70A.505.010 (Findings—Purpose) and 2010 c
28 130 s 1;

29 (2) RCW ((70.275.020)) 70A.505.020 (Definitions) and 2014 c 119 s
30 2 & 2010 c 130 s 2;

31 (3) RCW ((70.275.030)) 70A.505.030 (Product stewardship program)
32 and 2014 c 119 s 3 & 2010 c 130 s 3;

33 (4) RCW ((70.275.040)) 70A.505.040 (Submission of proposed
34 product stewardship plans—Department to establish rules—Public
35 review—Plan update—Annual report) and 2017 c 254 s 2, 2014 c 119 s
36 4, & 2010 c 130 s 4;

(5) RCW ((~~70.275.050~~)) 70A.505.050 (Financing the mercury-containing light recycling program) and 2017 c 254 s 1, 2014 c 119 s 5, & 2010 c 130 s 5;

(6) RCW ((~~70.275.060~~)) 70A.505.060 (Collection and management of mercury) and 2010 c 130 s 6;

(7) RCW ((~~70.275.070~~)) 70A.505.070 (Collectors of unwanted mercury-containing lights—Duties) and 2010 c 130 s 7;

(8) RCW ((~~70.275.090~~)) 70A.505.090 (Producers must participate in an approved product stewardship program) and 2010 c 130 s 9;

(9) RCW ((~~70.275.100~~)) 70A.505.100 (Written warning—Penalty—Appeal) and 2010 c 130 s 10;

(10) RCW ((~~70.275.110~~)) 70A.505.110 (Department's web site to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Penalty—Rules—Exemptions) and 2010 c 130 s 11;

(11) RCW ((~~70.275.130~~)) 70A.505.120 (Product stewardship programs account) and 2017 c 254 s 3 & 2010 c 130 s 13;

(12) RCW ((~~70.275.140~~)) 70A.505.130 (Adoption of rules—Report to the legislature—Invitation to entities to comment on issues—Estimate of statewide recycling rate for mercury-containing lights—Mercury vapor barrier packaging) and 2010 c 130 s 14;

(13) RCW ((~~70.275.150~~)) 70A.505.140 (Application of chapter to the Washington utilities and transportation commission) and 2010 c 130 s 15;

(14) RCW ((~~70.275.160~~)) 70A.505.150 (Application of chapter to entities regulated under chapter ((~~70.105~~)) 70A.300 RCW) and 2010 c 130 s 16;

(15) RCW ((~~70.275.900~~)) 70A.505.900 (Chapter liberally construed) and 2010 c 130 s 17;

(16) RCW ((~~70.275.901~~)) 70A.505.901 (Severability—2010 c 130) and 2010 c 130 s 21; and

(17) RCW ((~~70.275.170~~)) 70A.505.160 and 2014 c 119 s 6.

Sec. 49. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

1 (a) The city or county must be imposing a tax under chapter 82.46
2 RCW at a rate of at least one-quarter of one percent;

3 (b) The local government must have developed a capital facility
4 plan; and

5 (c) The local government must be using all local revenue sources
6 which are reasonably available for funding public works, taking into
7 consideration local employment and economic factors.

8 (2) Except where necessary to address a public health need or
9 substantial environmental degradation, a county, city, or town
10 planning under RCW 36.70A.040 may not receive financial assistance
11 under this chapter unless it has adopted a comprehensive plan,
12 including a capital facilities plan element, and development
13 regulations as required by RCW 36.70A.040. This subsection does not
14 require any county, city, or town planning under RCW 36.70A.040 to
15 adopt a comprehensive plan or development regulations before
16 requesting or receiving financial assistance under this chapter if
17 such request is made before the expiration of the time periods
18 specified in RCW 36.70A.040. A county, city, or town planning under
19 RCW 36.70A.040 that has not adopted a comprehensive plan and
20 development regulations within the time periods specified in RCW
21 36.70A.040 may apply for and receive financial assistance under this
22 chapter if the comprehensive plan and development regulations are
23 adopted as required by RCW 36.70A.040 before executing a contractual
24 agreement for financial assistance with the board.

25 (3) In considering awarding financial assistance for public
26 facilities to special districts requesting funding for a proposed
27 facility located in a county, city, or town planning under RCW
28 36.70A.040, the board must consider whether the county, city, or town
29 planning under RCW 36.70A.040 in whose planning jurisdiction the
30 proposed facility is located has adopted a comprehensive plan and
31 development regulations as required by RCW 36.70A.040.

32 (4) (a) The board must develop a process to prioritize
33 applications and funding of loans and grants for public works
34 projects submitted by local governments. The board must consider, at
35 a minimum and in any order, the following factors in prioritizing
36 projects:

37 (i) Whether the project is critical in nature and would affect
38 the health and safety of many people;

39 (ii) The extent to which the project leverages other funds;

1 (iii) The extent to which the project is ready to proceed to
2 construction;

3 (iv) Whether the project is located in an area of high
4 unemployment, compared to the average state unemployment;

5 (v) Whether the project promotes the sustainable use of resources
6 and environmental quality, as applicable;

7 (vi) Whether the project consolidates or regionalizes systems;

8 (vii) Whether the project encourages economic development through
9 mixed-use and mixed income development consistent with chapter 36.70A
10 RCW;

11 (viii) Whether the system is being well-managed in the present
12 and for long-term sustainability;

13 (ix) Achieving equitable distribution of funds by geography and
14 population;

15 (x) The extent to which the project meets the following state
16 policy objectives:

17 (A) Efficient use of state resources;

18 (B) Preservation and enhancement of health and safety;

19 (C) Abatement of pollution and protection of the environment;

20 (D) Creation of new, family-wage jobs, and avoidance of shifting
21 existing jobs from one Washington state community to another;

22 (E) Fostering economic development consistent with chapter 36.70A
23 RCW;

24 (F) Efficiency in delivery of goods and services and
25 transportation; and

26 (G) Reduction of the overall cost of public infrastructure;

27 (xi) Whether the applicant sought or is seeking funding for the
28 project from other sources; and

29 (xii) Other criteria that the board considers necessary to
30 achieve the purposes of this chapter.

31 (b) Before September 1, 2018, and each year thereafter, the board
32 must develop and submit a report regarding the construction loans and
33 grants to the office of financial management and appropriate fiscal
34 committees of the senate and house of representatives. The report
35 must include:

36 (i) The total number of applications and amount of funding
37 requested for public works projects;

38 (ii) A list and description of projects approved in the preceding
39 fiscal year with project scores against the board's prioritization
40 criteria;

1 (iii) The total amount of loan and grants disbursements made from
2 the public works assistance account in the preceding fiscal year;

3 (iv) The total amount of loan repayments in the preceding fiscal
4 year for outstanding loans from the public works assistance account;

5 (v) The total amount of loan repayments due for outstanding loans
6 for each fiscal year over the following ten-year period; and

7 (vi) The total amount of funds obligated and timing of when the
8 funds were obligated in the preceding fiscal year.

9 (c) The maximum amount of funding that the board may provide for
10 any jurisdiction is ten million dollars per biennium.

11 (5) Existing debt or financial obligations of local governments
12 may not be refinanced under this chapter. Each local government
13 applicant must provide documentation of attempts to secure additional
14 local or other sources of funding for each public works project for
15 which financial assistance is sought under this chapter.

16 (6) Before September 1st of each year, the board must develop and
17 submit to the appropriate fiscal committees of the senate and house
18 of representatives a description of the loans and grants made under
19 RCW 43.155.065 and 43.155.068.

20 (7) The board may not sign contracts or otherwise financially
21 obligate funds from the public works assistance account before the
22 legislature has appropriated funds to the board for the purpose of
23 funding public works projects under this chapter.

24 (8) To qualify for loans, grants, or pledges for solid waste or
25 recycling facilities under this chapter, a city or county must
26 demonstrate that the solid waste or recycling facility is consistent
27 with and necessary to implement the comprehensive solid waste
28 management plan adopted by the city or county under chapter ((70.95))
29 70A.205 RCW.

30 (9) After January 1, 2010, any project designed to address the
31 effects of stormwater or wastewater on Puget Sound may be funded
32 under this section only if the project is not in conflict with the
33 action agenda developed by the Puget Sound partnership under RCW
34 90.71.310.

35 (10) For projects involving repair, replacement, or improvement
36 of a wastewater treatment plant or other public works facility for
37 which an investment grade efficiency audit is reasonably obtainable,
38 the public works board must require as a contract condition that the
39 project sponsor undertake an investment grade efficiency audit. The

1 project sponsor may finance the costs of the audit as part of its
2 public works assistance account program loan or grant.

3 (11) The board must implement policies and procedures designed to
4 maximize local government consideration of other funds to finance
5 local infrastructure.

6 **Sec. 50.** RCW 46.16A.060 and 2014 c 216 s 207 and 2014 c 72 s 1
7 are each reenacted and amended to read as follows:

8 (1) The department, county auditor or other agent, or subagent
9 appointed by the director may not issue or renew a motor vehicle
10 registration or change the registered owner of a registered vehicle
11 for any motor vehicle required to be inspected under chapter
12 ((70.120)) 70A.25 RCW, unless the application for issuance or renewal
13 is: (a) Accompanied by a valid certificate of compliance or a valid
14 certificate of acceptance issued as required under chapter ((70.120))
15 70A.25 RCW; or (b) exempt, as described in subsection (2) of this
16 section. The certificates must have a date of validation that is
17 within twelve months of the assigned registration renewal date.
18 Certificates for fleet or owner tested diesel vehicles may have a
19 date of validation that is within twelve months of the assigned
20 registration renewal date.

21 (2) The following motor vehicles are exempt from emission test
22 requirements:

23 (a) Motor vehicles that are less than five years old or more than
24 twenty-five years old;

25 (b) Motor vehicles that are a 2009 model year or newer;

26 (c) Motor vehicles powered exclusively by electricity, propane,
27 compressed natural gas, liquefied natural gas, or liquid petroleum
28 gas;

29 (d) Motorcycles as defined in RCW 46.04.330 and motor-driven
30 cycles as defined in RCW 46.04.332;

31 (e) Farm vehicles as defined in RCW 46.04.181;

32 (f) Street rod vehicles as defined in RCW 46.04.572 and custom
33 vehicles as defined in RCW 46.04.161;

34 (g) Used vehicles that are offered for sale by a motor vehicle
35 dealer licensed under chapter 46.70 RCW;

36 (h) Classes of motor vehicles exempted by the director of the
37 department of ecology;

38 (i) Hybrid motor vehicles that obtain a rating by the
39 environmental protection agency of at least fifty miles per gallon of

1 gas during city driving. For purposes of this section, a hybrid motor
2 vehicle is one that uses propulsion units powered by both electricity
3 and gas; and

4 (j) Collectible vehicles as defined in RCW 46.04.123.

5 (3) The department of ecology must provide information to motor
6 vehicle owners:

7 (a) Regarding the boundaries of emission contributing areas and
8 restrictions established under this section that apply to vehicles
9 registered in such areas; and

10 (b) On the relationship between motor vehicles and air pollution
11 and steps motor vehicle owners should take to reduce motor vehicle
12 related air pollution.

13 (4) The department of licensing must:

14 (a) Notify all registered motor vehicle owners affected by the
15 emission testing program that they must have an emission test to
16 renew their registration;

17 (b) Adopt rules implementing and enforcing this section, except
18 for subsection (2)(e) of this section, as specified in chapter 34.05
19 RCW.

20 (5) A motor vehicle may not be registered, leased, rented, or
21 sold for use in the state, starting with the model year as provided
22 in RCW ((70.120A.010)) 70A.30.010, unless the vehicle:

23 (a) Has seven thousand five hundred miles or more; or

24 (b)(i) Is consistent with the vehicle emission standards and
25 carbon dioxide equivalent emission standards adopted by the
26 department of ecology; and

27 (ii) Has a California certification label for all emission
28 standards, and carbon dioxide equivalent emission standards necessary
29 to meet fleet average requirements.

30 (6) The department of licensing, in consultation with the
31 department of ecology, may adopt rules necessary to implement this
32 section and may provide for reasonable exemptions to these
33 requirements. The department of ecology may exempt public safety
34 vehicles from meeting the standards where the department finds that
35 vehicles necessary to meet the needs of public safety agencies are
36 not otherwise reasonably available.

37 **Sec. 51.** RCW 46.37.470 and 2011 c 224 s 1 are each amended to
38 read as follows:

1 (1) "Air conditioning equipment," as used or referred to in this
2 section, means mechanical vapor compression refrigeration equipment
3 that is used to cool the driver's or passenger compartment of any
4 motor vehicle.

5 (2) Air conditioning equipment must be manufactured, installed,
6 and maintained with due regard for the safety of the occupants of the
7 vehicle and the public. Air conditioning equipment may not contain
8 any refrigerant that is toxic to persons or that is flammable, unless
9 the refrigerant is allowed under the department of ecology's motor
10 vehicle emission standards adopted under RCW ((70.120A.010))
11 70A.30.010.

12 (3) The state patrol may enforce safety requirements,
13 regulations, and specifications consistent with the requirements of
14 this section applicable to air conditioning equipment which must
15 correlate with and, so far as possible, conform to the current
16 recommended practice or standard applicable to air conditioning
17 equipment approved by the society of automotive engineers.

18 (4) A person may not sell or equip, for use in this state, a new
19 motor vehicle with any air conditioning equipment unless it complies
20 with the requirements of this section.

21 (5) A person may not register or license for use on any highway
22 any new motor vehicle equipped with any air conditioning equipment
23 unless the equipment complies with the requirements of this section.

24 **Sec. 52.** RCW 46.55.230 and 2002 c 279 s 13 are each amended to
25 read as follows:

26 (1)(a) Notwithstanding any other provision of law, any law
27 enforcement officer having jurisdiction, or any employee or officer
28 of a jurisdictional health department acting pursuant to RCW
29 ((70.95.240)) 70A.205.195, or any person authorized by the director
30 shall inspect and may authorize the disposal of an abandoned junk
31 vehicle. The person making the inspection shall record the make and
32 vehicle identification number or license number of the vehicle if
33 available, and shall also verify that the approximate value of the
34 junk vehicle is equivalent only to the approximate value of the
35 parts.

36 (b) A tow truck operator may authorize the disposal of an
37 abandoned junk vehicle if the vehicle has been abandoned two or more
38 times, the registered ownership information has not changed since the
39 first abandonment, and the registered owner is also the legal owner.

1 (2) The law enforcement officer or department representative
2 shall provide information on the vehicle's registered and legal owner
3 to the landowner.

4 (3) Upon receiving information on the vehicle's registered and
5 legal owner, the landowner shall mail a notice to the registered and
6 legal owners shown on the records of the department. The notification
7 shall describe the redemption procedure and the right to arrange for
8 the removal of the vehicle.

9 (4) If the vehicle remains unclaimed more than fifteen days after
10 the landowner has mailed notification to the registered and legal
11 owner, the landowner may dispose of the vehicle or sign an affidavit
12 of sale to be used as a title document.

13 (5) If no information on the vehicle's registered and legal owner
14 is found in the records of the department, the landowner may
15 immediately dispose of the vehicle or sign an affidavit of sale to be
16 used as a title document.

17 (6) It is a gross misdemeanor for a person to abandon a junk
18 vehicle on property. If a junk vehicle is abandoned, the vehicle's
19 registered owner shall also pay a cleanup restitution payment equal
20 to twice the costs incurred in the removal of the junk vehicle. The
21 court shall distribute one-half of the restitution payment to the
22 landowner of the property upon which the junk vehicle is located, and
23 one-half of the restitution payment to the law enforcement agency or
24 jurisdictional health department investigating the incident.

25 (7) For the purposes of this section, the term "landowner"
26 includes a legal owner of private property, a person with possession
27 or control of private property, or a public official having
28 jurisdiction over public property.

29 (8) A person complying in good faith with the requirements of
30 this section is immune from any liability arising out of an action
31 taken or omission made in the compliance.

32 **Sec. 53.** RCW 46.80.020 and 2018 c 287 s 8 are each amended to
33 read as follows:

34 (1)(a) Except as provided in (b) of this subsection, it is
35 unlawful for a person to engage in the business of wrecking vehicles
36 without having first applied for and received a license.

37 (b) As defined in chapter (~~70.95~~) 70A.205 RCW, a solid waste
38 disposal site that is compliant with all applicable regulations may

wreck a nonmotorized abandoned recreational vehicle, as defined in RCW 46.53.010.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

Sec. 54. RCW 47.01.475 and 2013 c 291 s 14 are each amended to read as follows:

(1) Following the inspection required under RCW 47.01.470 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW (~~(70.105D.020)~~) 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

Sec. 55. RCW 47.28.220 and 1996 c 198 s 4 are each amended to read as follows:

(1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights-of-way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1996, through June 30, 1997, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, 1998, through June 30, 1999, fifty percent of the total dollar amount purchased. The percentages in this subsection apply to the materials' value and include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter ~~((70.95J))~~ 70A.226 RCW.

Sec. 56. RCW 49.17.270 and 1973 c 80 s 27 are each amended to read as follows:

The department shall be the sole and paramount administrative agency responsible for the administration of the provisions of this chapter, and any other agency of the state or any municipal corporation or political subdivision of the state having administrative authority over the inspection, survey, investigation, or any regulatory or enforcement authority of safety and health standards related to the health and safety of employees in any workplace subject to this chapter, shall be required, notwithstanding any statute to the contrary, to exercise such authority as provided in this chapter and subject to interagency agreement or agreements with the department made under the authority of the interlocal cooperation act (chapter 39.34 RCW) relative to the procedures to be followed in the enforcement of this chapter: PROVIDED, That in relation to employers using or possessing sources of ionizing radiation the department of labor and industries and the department of social and health services shall agree upon mutual policies,

1 rules, and regulations compatible with policies, rules, and
2 regulations adopted pursuant to chapter ((70.98)) 70A.388 RCW insofar
3 as such policies, rules, and regulations are not inconsistent with
4 the provisions of this chapter.

5 **Sec. 57.** RCW 49.70.175 and 1985 c 410 s 5 are each amended to
6 read as follows:

7 Funds in the worker and community right to know fund established
8 under RCW 49.70.170 may be spent by the department of ecology to
9 implement RCW ((70.102.020)) 70A.415.020 (1) through (3) following
10 legislative appropriation. Disbursements from the fund shall be on
11 authorization of the director of the department of ecology.

12 **Sec. 58.** RCW 52.12.150 and 2000 c 199 s 1 are each amended to
13 read as follows:

14 Without obtaining a permit issued under RCW ((70.94.650))
15 70A.15.5090, fire protection district firefighters may set fire to
16 structures located outside of urban growth areas in counties that
17 plan under the requirements of RCW 36.70A.040, and outside of any
18 city with a population of ten thousand or more in all other counties,
19 for instruction in methods of firefighting, if all of the following
20 conditions are met:

21 (1) In consideration of prevailing air patterns, the fire is
22 unlikely to cause air pollution in areas of sensitivity downwind of
23 the proposed fire location;

24 (2) The fire is not located in an area that is declared to be in
25 an air pollution episode or any stage of an impaired air quality as
26 defined in RCW ((70.94.715 and 70.94.473)) 70A.15.6010 and
27 70A.15.3580;

28 (3) Nuisance laws are applicable to the fire, including nuisances
29 related to the unreasonable interference with the enjoyment of life
30 and property and the depositing of particulate matter or ash on other
31 property;

32 (4) Notice of the fire is provided to the owners of property
33 adjoining the property on which the fire will occur, to other persons
34 who potentially will be impacted by the fire, and to additional
35 persons in a broader manner as specifically requested by the local
36 air pollution control agency or the department of ecology;

37 (5) Each structure that is proposed to be set on fire must be
38 identified specifically as a structure to be set on fire. Each other

1 structure on the same parcel of property that is not proposed to be
2 set on fire must be identified specifically as a structure not to be
3 set on fire; and

4 (6) Before setting a structure on fire, a good-faith inspection
5 is conducted by the fire agency or fire protection district
6 conducting the training fire to determine if materials containing
7 asbestos are present, the inspection is documented in writing and
8 forwarded to the appropriate local air authority or the department of
9 ecology if there is no local air authority, and asbestos that is
10 found is removed as required by state and federal laws.

11 **Sec. 59.** RCW 53.08.470 and 2013 c 291 s 22 are each amended to
12 read as follows:

13 (1) Following the inspection required under RCW 53.08.460 and
14 prior to transferring ownership of a port district-owned vessel, a
15 port district shall obtain the following from the transferee:

16 (a) The purposes for which the transferee intends to use the
17 vessel; and

18 (b) Information demonstrating the prospective owner's intent to
19 obtain legal moorage following the transfer, in the manner determined
20 by the port district.

21 (2)(a) The port district shall remove any containers or other
22 materials that are not fixed to the vessel and contain hazardous
23 substances, as defined under RCW (~~(70.105D.020)~~) 70A.305.020.

24 (b) However, the port district may transfer a vessel with:

25 (i) Those containers or materials described under (a) of this
26 subsection where the transferee demonstrates to the port district's
27 satisfaction that the container's or material's presence is
28 consistent with the anticipated use of the vessel; and

29 (ii) A reasonable amount of fuel as determined by the port
30 district, based on factors including the vessel's size, condition,
31 and anticipated use of the vessel including initial destination
32 following transfer.

33 (c) The port district may consult with the department of ecology
34 in carrying out the requirements of this subsection.

35 (3) Prior to sale, and unless the vessel has a title or valid
36 marine document, the port district is required to apply for a
37 certificate of title for the vessel under RCW 88.02.510 and register
38 the vessel under RCW 88.02.550.

Sec. 60. RCW 54.04.092 and 1986 c 244 s 14 are each amended to read as follows:

RCW 54.04.070 through 54.04.090 shall not apply to agreements entered into under authority of chapter ~~((70.150))~~ 70A.140 RCW provided there is compliance with the procurement procedure under RCW ~~((70.150.040))~~ 70A.140.040.

Sec. 61. RCW 57.08.017 and 1996 c 230 s 321 are each amended to read as follows:

RCW 57.08.015, 57.08.016, 57.08.050, and 57.08.120 shall not apply to agreements entered into under authority of chapter ~~((70.150))~~ 70A.140 RCW if there is compliance with the procurement procedure under RCW ~~((70.150.040))~~ 70A.140.040.

Sec. 62. RCW 64.44.010 and 2017 c 115 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means:

(a) Methamphetamine in amounts exceeding the decontamination standards set by the department when found in transient accommodations such as hotels, motels, bed and breakfasts, resorts, inns, crisis shelters, hostels, and retreats that are regulated by the department; and

(b) The following substances associated with the illegal manufacture of controlled substances: (i) Hazardous substances as defined in RCW ~~((70.105D.020))~~ 70A.305.020; (ii) precursor substances as defined in RCW 69.43.010 which the state board of health, in

1 consultation with the pharmacy quality assurance commission, has
2 determined present an immediate or long-term health hazard to humans;
3 and (iii) the controlled substance or substances being manufactured,
4 as defined in RCW 69.50.101.

5 (5) "Officer" means a local health officer authorized under
6 chapters 70.05, 70.08, and 70.46 RCW.

7 (6) "Property" means any real or personal property, or segregable
8 part thereof, that is involved in or affected by the unauthorized
9 manufacture, distribution, storage, or use of hazardous chemicals.
10 This includes but is not limited to single-family residences, units
11 of multiplexes, condominiums, apartment buildings, transient
12 accommodations, boats, motor vehicles, trailers, manufactured
13 housing, any shop, booth, garden, or storage shed, and all contents
14 of the items referenced in this subsection.

15 **Sec. 63.** RCW 69.07.170 and 1992 c 34 s 1 are each amended to
16 read as follows:

17 As used in RCW 69.07.180 and 69.07.190:

18 (1) "Artesian water" means bottled water from a well tapping a
19 confined aquifer in which the water level stands above the water
20 table. "Artesian water" shall meet the requirements of "natural
21 water."

22 (2) "Bottled water" means water that is placed in a sealed
23 container or package and is offered for sale for human consumption or
24 other consumer uses.

25 (3) "Carbonated water" or "sparkling water" means bottled water
26 containing carbon dioxide.

27 (4) "Department" means the department of agriculture.

28 (5) "Distilled water" means bottled water that has been produced
29 by a process of distillation and meets the definition of purified
30 water in the most recent edition of the United States Pharmacopeia.

31 (6) "Drinking water" means bottled water obtained from an
32 approved source that has at minimum undergone treatment consisting of
33 filtration, activated carbon or particulate, and ozonization or an
34 equivalent disinfection process, or that meets the requirements of
35 the federal safe drinking water act of 1974 as amended and complies
36 with all department of health rules regarding drinking water.

37 (7) "Mineral water" means bottled water that contains not less
38 than five hundred parts per million total dissolved solids. "Natural
39 mineral water" shall meet the requirements of "natural water."

1 (8) "Natural water" means bottled spring, mineral, artesian, or
2 well water that is derived from an underground formation and may be
3 derived from a public water system as defined in RCW ((70.119A.020))
4 70A.125.010 only if that supply has a single source such as an actual
5 spring, artesian well, or pumped well, and has not undergone any
6 treatment that changes its original chemical makeup except
7 ozonization or an equivalent disinfection process.

8 (9) "Plant operator" means a person who owns or operates a
9 bottled water plant.

10 (10) "Purified water" means bottled water produced by
11 distillation, deionization, reverse osmosis, or other suitable
12 process and that meets the definition of purified water in the most
13 recent edition of the United States Pharmacopeia. Water that meets
14 this definition and is vaporized, then condensed, may be labeled
15 "distilled water."

16 (11) "Spring water" means water derived from an underground
17 formation from which water flows naturally to the surface of the
18 earth. "Spring water" shall meet the requirements of "natural water."

19 (12) "Water dealer" means a person who imports bottled water or
20 causes bulk water to be transported for bottling for human
21 consumption or other consumer uses.

22 (13) "Well water" means water from a hole bored, drilled, or
23 otherwise constructed in the ground that taps the water of an
24 aquifer. "Well water" shall meet the requirements of "natural water."

25 **Sec. 64.** RCW 69.48.060 and 2018 c 196 s 6 are each amended to
26 read as follows:

27 (1)(a) At least one hundred twenty days prior to submitting a
28 proposal under RCW 69.48.050, a program operator must notify
29 potential authorized collectors of the opportunity to serve as an
30 authorized collector for the proposed drug take-back program. A
31 program operator must commence good faith negotiations with a
32 potential authorized collector no later than thirty days after the
33 potential authorized collector expresses interest in participating in
34 a proposed program.

35 (b) A person or entity may serve as an authorized collector for a
36 drug take-back program voluntarily or in exchange for compensation,
37 but nothing in this chapter requires a person or entity to serve as
38 an authorized collector.

1 (c) A drug take-back program must include as an authorized
2 collector any retail pharmacy, hospital or clinic with an on-site
3 pharmacy, or law enforcement agency that offers to participate in the
4 program without compensation and meets the requirements of subsection
5 (2) of this section. Such a pharmacy, hospital, clinic, or law
6 enforcement agency must be included as an authorized collector in the
7 program no later than ninety days after receiving the offer to
8 participate.

9 (d) A drug take-back program may also locate collection sites at:

10 (i) A long-term care facility where a pharmacy, or a hospital or
11 clinic with an on-site pharmacy, operates a secure collection
12 receptacle;

13 (ii) A substance use disorder treatment program, as defined in
14 RCW 71.24.025; or

15 (iii) Any other authorized collector willing to participate as a
16 collection site and able to meet the requirements of subsection (2)
17 of this section.

18 (2)(a) A collection site must accept all covered drugs from
19 covered entities during the hours that the authorized collector is
20 normally open for business with the public.

21 (b) A collection site located at a long-term care facility may
22 only accept covered drugs that are in the possession of individuals
23 who reside or have resided at the facility.

24 (c) A collection site must use secure collection receptacles in
25 compliance with state and federal law, including any applicable on-
26 site storage and collection standards adopted by rule pursuant to
27 chapter ((70.95 or 70.105)) 70A.205 or 70A.300 RCW and United States
28 drug enforcement administration regulations. The program operator
29 must provide a service schedule that meets the needs of each
30 collection site to ensure that each secure collection receptacle is
31 serviced as often as necessary to avoid reaching capacity and that
32 collected covered drugs are transported to final disposal in a timely
33 manner, including a process for additional prompt collection service
34 upon notification from the collection site. Secure collection
35 receptacle signage must prominently display a toll-free telephone
36 number and web site for the program so that members of the public may
37 provide feedback on collection activities.

38 (d) An authorized collector must comply with applicable
39 provisions of chapters ((70.95 and 70.105)) 70A.205 and 70A.300 RCW,
40 including rules adopted pursuant to those chapters that establish

1 collection and transportation standards, and federal laws and
2 regulations governing the handling of covered drugs, including United
3 States drug enforcement administration regulations.

4 (3)(a) A drug take-back program's collection system must be safe,
5 secure, and convenient on an ongoing, year-round basis and must
6 provide equitable and reasonably convenient access for residents
7 across the state.

8 (b) In establishing and operating a collection system, a program
9 operator must give preference to locating collection sites at retail
10 pharmacies, hospitals or clinics with on-site pharmacies, and law
11 enforcement agencies.

12 (c)(i) Each population center must have a minimum of one
13 collection site, plus one additional collection site for every fifty
14 thousand residents of the city or town located within the population
15 center. Collection sites must be geographically distributed to
16 provide reasonably convenient and equitable access to all residents
17 of the population center.

18 (ii) On islands and in areas outside of population centers, a
19 collection site must be located at the site of each potential
20 authorized collector that is regularly open to the public, unless the
21 program operator demonstrates to the satisfaction of the department
22 that a potential authorized collector is unqualified or unwilling to
23 participate in the drug take-back program, in accordance with the
24 requirements of subsection (1) of this section.

25 (iii) For purposes of this section, "population center" means a
26 city or town and the unincorporated area within a ten-mile radius
27 from the center of the city or town.

28 (d) A program operator must establish mail-back distribution
29 locations or hold periodic collection events to supplement service to
30 any area of the state that is underserved by collection sites, as
31 determined by the department, in consultation with the local health
32 jurisdiction. The program operator, in consultation with the
33 department, local law enforcement, the local health jurisdiction, and
34 the local community, must determine the number and locations of mail-
35 back distribution locations or the frequency and location of these
36 collections events, to be held at least twice a year, unless
37 otherwise determined through consultation with the local community.
38 The program must arrange any periodic collection events in advance
39 with local law enforcement agencies and conduct periodic collection

1 events in compliance with United States drug enforcement
2 administration regulations and protocols and applicable state laws.

3 (e) Upon request, a drug take-back program must provide a mail-
4 back program free of charge to covered entities and to retail
5 pharmacies that offer to distribute prepaid, preaddressed mailing
6 envelopes for the drug take-back program. A drug take-back program
7 must permit covered entities to request prepaid, preaddressed mailing
8 envelopes through the program's web site, the program's toll-free
9 telephone number, and a request to a pharmacist at a retail pharmacy
10 distributing the program's mailing envelopes.

11 (f) The program operator must provide alternative collection
12 methods for any covered drugs, other than controlled substances, that
13 cannot be accepted or commingled with other covered drugs in secure
14 collection receptacles, through a mail-back program, or at periodic
15 collection events, to the extent permissible under applicable state
16 and federal laws. The department shall review and approve of any
17 alternative collection methods prior to their implementation.

18 **Sec. 65.** RCW 69.50.511 and 2007 c 104 s 17 are each amended to
19 read as follows:

20 Law enforcement agencies who during the official investigation or
21 enforcement of any illegal drug manufacturing facility come in
22 contact with or are aware of any substances suspected of being
23 hazardous as defined in RCW (~~(70.105D.020)~~) 70A.305.020, shall notify
24 the department of ecology for the purpose of securing a contractor to
25 identify, clean up, store, and dispose of suspected hazardous
26 substances, except for those random and representative samples
27 obtained for evidentiary purposes. Whenever possible, a destruct
28 order covering hazardous substances which may be described in general
29 terms shall be obtained concurrently with a search warrant. Materials
30 that have been photographed, fingerprinted, and subsampled by police
31 shall be destroyed as soon as practical. The department of ecology
32 shall make every effort to recover costs from the parties responsible
33 for the suspected hazardous substance. All recoveries shall be
34 deposited in the account or fund from which contractor payments are
35 made.

36 The department of ecology may adopt rules to carry out its
37 responsibilities under this section. The department of ecology shall
38 consult with law enforcement agencies prior to adopting any rule or
39 policy relating to this section.

Sec. 66. RCW 69.55.020 and 2002 c 133 s 2 are each amended to read as follows:

A person is guilty of the crime of unlawful storage of ammonia if the person possesses, transports, or delivers pressurized ammonia gas or pressurized ammonia gas solution in a container that (1) is not approved by the United States department of transportation to hold ammonia, or (2) was not constructed to meet state and federal industrial health and safety standards for holding ammonia. Violation of this section is a class C felony.

This section does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances under chapter ((70.105 or 70.105D)) 70A.300 or 70A.305 RCW or to solid waste haulers and their employees who unknowingly possess, transport, or deliver pressurized ammonia gas or pressurized ammonia gas solution during the course of the performance of their duties.

Sec. 67. RCW 70.79.090 and 2012 c 10 s 49 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220 and 70.79.240 through 70.79.330:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Unfired pressure vessels that are part of fertilizer applicator rigs designed and used exclusively for fertilization in the conduct of agricultural operations;

(3) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(4) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(5) Approved pressure vessels (hot water heaters, hot water storage tanks, hot water supply boilers, and hot water heating boilers listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or

1 less, at pressure of one hundred sixty pounds per square inch or
2 less, and at temperatures of two hundred ten degrees Fahrenheit or
3 less: PROVIDED, HOWEVER, That such pressure vessels are not installed
4 in schools, child care centers, public and private hospitals, nursing
5 homes, assisted living facilities, churches, public buildings owned
6 or leased and maintained by the state or any political subdivision
7 thereof, and assembly halls;

8 (6) Unfired pressure vessels containing only water under pressure
9 for domestic supply purposes, including those containing air, the
10 compression of which serves only as a cushion or airlift pumping
11 systems, when located in private residences or in apartment houses of
12 less than six families, or in public water systems as defined in RCW
13 (~~(70.119.020)~~) 70A.120.020;

14 (7) Unfired pressure vessels containing liquefied petroleum
15 gases.

16 **Sec. 68.** RCW 70.290.050 and 2010 c 174 s 5 are each amended to
17 read as follows:

18 (1) The board of the association shall establish a committee for
19 the purposes of developing recommendations to the board regarding
20 selection of vaccines to be purchased in each upcoming year by the
21 department. The committee must be composed of at least five voting
22 board members, including at least three health carrier or third-party
23 administrator members, one physician, and the secretary or the
24 secretary's designee. The committee must also include a
25 representative of vaccine manufacturers, who is a nonvoting member of
26 the committee. The representative of vaccine manufacturers must be
27 chosen by the secretary from a list of three nominees submitted
28 collectively by vaccine manufacturers on an annual basis.

29 (2) In selecting vaccines to purchase, the following factors
30 should be strongly considered by the committee: Patient safety and
31 clinical efficacy, public health and purchaser value, compliance with
32 RCW (~~(70.95M.115)~~) 70A.230.120, patient and provider choice, and
33 stability of vaccine supply.

34 **Sec. 69.** RCW 70.345.010 and 2019 c 445 s 210 and 2019 c 15 s 4
35 are each reenacted and amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) "Board" means the Washington state liquor and cannabis board.

1 (2) "Business" means any trade, occupation, activity, or
2 enterprise engaged in for the purpose of selling or distributing
3 vapor products in this state.

4 (3) "Child care facility" has the same meaning as provided in RCW
5 (~~(70.140.020)~~) 70A.320.020.

6 (4) "Closed system nicotine container" means a sealed, prefilled,
7 and disposable container of nicotine in a solution or other form in
8 which such container is inserted directly into an electronic
9 cigarette, electronic nicotine delivery system, or other similar
10 product, if the nicotine in the container is inaccessible through
11 customary or reasonably foreseeable handling or use, including
12 reasonably foreseeable ingestion or other contact by children.

13 (5) "Delivery sale" means any sale of a vapor product to a
14 purchaser in this state where either:

15 (a) The purchaser submits the order for such sale by means of a
16 telephonic or other method of voice transmission, the mails or any
17 other delivery service, or the internet or other online service; or

18 (b) The vapor product is delivered by use of the mails or of a
19 delivery service. The foregoing sales of vapor products constitute a
20 delivery sale regardless of whether the seller is located within or
21 without this state. "Delivery sale" does not include a sale of any
22 vapor product not for personal consumption to a retailer.

23 (6) "Delivery seller" means a person who makes delivery sales.

24 (7) "Distributor" has the same meaning as in RCW 82.25.005.

25 (8) "Liquid nicotine container" means a package from which
26 nicotine in a solution or other form is accessible through normal and
27 foreseeable use by a consumer and that is used to hold soluble
28 nicotine in any concentration. "Liquid nicotine container" does not
29 include closed system nicotine containers.

30 (9) "Manufacturer" means a person who manufactures and sells
31 vapor products.

32 (10) "Person" means any individual, receiver, administrator,
33 executor, assignee, trustee in bankruptcy, trust, estate, firm,
34 copartnership, joint venture, club, company, joint stock company,
35 business trust, municipal corporation, the state and its departments
36 and institutions, political subdivision of the state of Washington,
37 corporation, limited liability company, association, society, any
38 group of individuals acting as a unit, whether mutual, cooperative,
39 fraternal, nonprofit, or otherwise.

1 (11) "Place of business" means any place where vapor products are
2 sold or where vapor products are manufactured, stored, or kept for
3 the purpose of sale.

4 (12) "Playground" means any public improved area designed,
5 equipped, and set aside for play of six or more children which is not
6 intended for use as an athletic playing field or athletic court,
7 including but not limited to any play equipment, surfacing, fencing,
8 signs, internal pathways, internal land forms, vegetation, and
9 related structures.

10 (13) "Retail outlet" means each place of business from which
11 vapor products are sold to consumers.

12 (14) "Retailer" means any person engaged in the business of
13 selling vapor products to ultimate consumers.

14 (15)(a) "Sale" means any transfer, exchange, or barter, in any
15 manner or by any means whatsoever, for a consideration, and includes
16 and means all sales made by any person.

17 (b) The term "sale" includes a gift by a person engaged in the
18 business of selling vapor products, for advertising, promoting, or as
19 a means of evading the provisions of this chapter.

20 (16) "School" has the same meaning as provided in RCW
21 (~~(70.140.020)~~) 70A.320.020.

22 (17) "Self-service display" means a display that contains vapor
23 products and is located in an area that is openly accessible to
24 customers and from which customers can readily access such products
25 without the assistance of a salesperson. A display case that holds
26 vapor products behind locked doors does not constitute a self-service
27 display.

28 (18) "Vapor product" means any noncombustible product that may
29 contain nicotine and that employs a heating element, power source,
30 electronic circuit, or other electronic, chemical, or mechanical
31 means, regardless of shape or size, that can be used to produce vapor
32 or aerosol from a solution or other substance.

33 (a) "Vapor product" includes any electronic cigarette, electronic
34 cigar, electronic cigarillo, electronic pipe, or similar product or
35 device and any vapor cartridge or other container that may contain
36 nicotine in a solution or other form that is intended to be used with
37 or in an electronic cigarette, electronic cigar, electronic
38 cigarillo, electronic pipe, or similar product or device.

1 (b) "Vapor product" does not include any product that meets the
2 definition of marijuana, useable marijuana, marijuana concentrates,
3 marijuana-infused products, cigarette, or tobacco products.

4 (c) For purposes of this subsection (18), "marijuana," "useable
5 marijuana," "marijuana concentrates," and "marijuana-infused
6 products" have the same meaning as provided in RCW 69.50.101.

7 **Sec. 70.** RCW 70A.45.090 and 2020 c 120 s 3 are each amended to
8 read as follows:

9 (1)(a) Washington's existing forest products sector, including
10 public and private working forests and the harvesting,
11 transportation, and manufacturing sectors that enable working forests
12 to remain on the land and the state to be a global supplier of forest
13 products, is, according to a University of Washington study analyzing
14 the global warming mitigating role of wood products from Washington's
15 private forests, an industrial sector that currently operates as a
16 significant net sequesterer of carbon. This value, which is only
17 provided through the maintenance of an intact and synergistic
18 industrial sector, is an integral component of the state's
19 contribution to the global climate response and efforts to mitigate
20 carbon emissions.

21 (b) Satisfying the goals set forth in RCW ((~~70.235.020~~))
22 70A.45.020 requires supporting, throughout all of state government,
23 consistent with other laws and mandates of the state, the economic
24 vitality of the sustainable forest products sector and other business
25 sectors capable of sequestering and storing carbon. This includes
26 support for working forests of all sizes, ownerships, and management
27 objectives, and the necessary manufacturing sectors that support the
28 transformation of stored carbon into long-lived forest products while
29 maintaining and enhancing the carbon mitigation benefits of the
30 forest sector, sustaining rural communities, and providing for fish,
31 wildlife, and clean water, as provided in chapter 76.09 RCW. Support
32 for the forest sector also ensures the state's public and private
33 working forests avoid catastrophic wildfire and other similar
34 disturbances and avoid conversion in the face of unprecedented
35 conversion pressures.

36 (c) It is the policy of the state to support the contributions of
37 all working forests and the synergistic forest products sector to the
38 state's climate response. This includes landowners, mills, bioenergy,
39 pulp and paper, and the related harvesting and transportation

1 infrastructure that is necessary for forestland owners to continue
2 the rotational cycle of carbon capture and sequestration in growing
3 trees and allows forest products manufacturers to store the captured
4 carbon in wood products and maintain and enhance the forest sector's
5 role in mitigating a significant percentage of the state's carbon
6 emissions while providing other environmental and social benefits and
7 supporting a strong rural economic base. It is further the policy of
8 the state to support the participation of working forests in current
9 and future carbon markets, strengthening the state's role as a
10 valuable contributor to the global carbon response while supporting
11 one of its largest manufacturing sectors.

12 (d) It is further the policy of the state to utilize carbon
13 accounting land use, land use change, and forestry reporting
14 principles consistent with established reporting guidelines, such as
15 those used by the intergovernmental panel on climate change and the
16 United States national greenhouse gas reporting inventories.

17 (2) Any state carbon programs must support the policies stated in
18 this section and recognize the forest products industry's
19 contribution to the state's climate response.

20 **Sec. 71.** RCW 70A.45.100 and 2020 c 79 s 4 are each amended to
21 read as follows:

22 (1) Separate and apart from the emissions limits established in
23 RCW ((70.235.020)) 70A.45.020, it is the policy of the state to
24 promote the removal of excess carbon from the atmosphere through
25 voluntary and incentive-based sequestration activities in Washington
26 including, but not limited to, on natural and working lands and by
27 recognizing the potential for sequestration in products and product
28 supply chains. It is the policy of the state to prioritize carbon
29 sequestration in amounts necessary to achieve the carbon neutrality
30 goal established in RCW ((70.235.020)) 70A.45.020, and at a level
31 consistent with pathways to limit global warming to one and one-half
32 degrees.

33 (2)(a) All agencies of state government including, but not
34 limited to, the department, the department of natural resources, the
35 department of transportation, the department of fish and wildlife,
36 the department of agriculture, the department of commerce, the
37 recreation and conservation office, and the conservation commission,
38 shall seek all practicable opportunities, consistent with existing
39 legal mandates and requirements and statutory objectives, to cost-

effectively maximize carbon sequestration and carbon storage in their nonland management agency operations, contracting, and grant-making activities.

(b) Any such effort to promote carbon sequestration activities that affects support for, or management of private lands or trust lands managed by the department of natural resources must be done in cooperation with the owners and managers of those natural and working lands.

Sec. 72. RCW 70A.325.070 and 2020 c 156 s 2 are each amended to read as follows:

The director has the following powers and duties:

(1) To design and from time to time revise a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall prepare an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the director shall consider common insurance industry reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the insurance program shall be settled through arbitration.

1 (2) To design and implement a structure of periodic premiums due
2 the director from the insurer that takes full advantage of revenue
3 collections and projected revenue collections to ensure affordable
4 premiums to the insured consistent with sound actuarial principles.

5 (3) To periodically review premium rates for reinsurance to
6 determine whether revenue appropriations supporting the program can
7 be reduced without substantially increasing the insured's premium
8 costs.

9 (4) To solicit bids from insurers and select an insurer to
10 provide pollution liability insurance to owners and operators of
11 underground storage tanks for third party bodily injury and property
12 damage and corrective action.

13 (5) To monitor the activities of the insurer to ensure compliance
14 with this chapter and protect the program from excessive loss
15 exposure resulting from claims mismanagement by the insurer.

16 (6) To monitor the success of the program and periodically make
17 such reports and recommendations to the legislature as the director
18 deems appropriate, and to annually publish a financial report on the
19 pollution liability insurance program trust account showing, among
20 other things, administrative and other expenses paid from the fund.

21 (7) To annually report the financial and loss experience of the
22 insurer as to policies issued under the program and the financial and
23 loss experience of the program to the legislature.

24 (8) To enter into contracts with public and private agencies to
25 assist the director in his or her duties to design, revise, monitor,
26 and evaluate the program and to provide technical or professional
27 assistance to the director.

28 (9) To examine the affairs, transactions, accounts, records,
29 documents, and assets of insurers as the director deems advisable.

30 (10) To design, in consultation with the office of financial
31 management, an emergency program to assist owners and operators of
32 underground storage tanks in meeting the federal financial
33 responsibility requirements in the event that a private insurer
34 withdraws from the Washington pollution liability insurance program.

35 (11) To determine, assess, and collect moneys sufficient to cover
36 the direct and indirect costs of implementing the emergency program,
37 including initial program development costs. The moneys may be
38 collected from underground storage tank owners and operators who are
39 using the emergency program. All moneys collected under this section

1 must be deposited in the pollution liability insurance program trust
2 account created in RCW ((~~70.148.020~~)) 70A.325.020.

3 **Sec. 73.** RCW 70A.325.130 and 2020 c 156 s 3 are each amended to
4 read as follows:

5 (1) The director may implement an emergency program, as designed
6 under RCW ((~~70.148.050~~)) 70A.325.070.

7 (2) At the legislative session following implementation of an
8 emergency program, the director must provide to the legislature a
9 report on the options available to assist owners and operators in
10 using one or a combination of mechanisms to demonstrate financial
11 responsibility for underground storage tanks. The report must
12 include, but is not limited to: Discussion of a state run insurance
13 program; alternative options to a state run insurance program; an
14 evaluation and recommendation of the finances required to develop and
15 implement a new financial responsibility model that complies with the
16 federal financial responsibility requirements in 40 C.F.R. Part 280,
17 subpart H; and recommendations for legislation necessary to implement
18 actions needed to meet federal financial responsibility requirements
19 in 40 C.F.R. Part 280, subpart H.

20 **Sec. 74.** RCW 70A.330.010 and 2020 c 310 s 1 are each amended to
21 read as follows:

22 The legislature finds that it is in the best interests of all
23 citizens for petroleum storage tank systems to be operated safely and
24 for tank leaks or spills to be dealt with expeditiously. The
25 legislature finds that it is appropriate for an agency with expertise
26 in petroleum to provide technical advice and assistance to owners or
27 operators when there has been a release. The legislature further
28 finds that while it is necessary to protect tank owners from the
29 financial hardship related to damaged heating oil tanks, support can
30 be provided through the agency's revolving loan and grant program in
31 chapter ((~~70.340~~)) 70A.345 RCW. Therefore, the legislature intends to
32 transition the pollution liability insurance program for heating oil
33 tanks to a revolving loan and grant program, while maintaining the
34 pollution liability insurance program for existing registrants.

35 **Sec. 75.** RCW 70A.345.030 and 2020 c 310 s 6 and 2020 c 20 s 1436
36 are each reenacted and amended to read as follows:

1 (1) The agency shall establish an underground storage tank
2 revolving loan and grant program to provide loans or grants to owners
3 or operators to:

4 (a) Conduct remedial actions in accordance with chapter 70A.305
5 RCW, including investigations and cleanups of any release or
6 threatened release of a hazardous substance at or affecting an
7 underground storage tank facility, provided that at least one of the
8 releases or threatened releases involves petroleum;

9 (b) Upgrade, replace, or permanently close a petroleum
10 underground storage tank system in accordance with chapter 70A.355
11 RCW or subtitle I of the solid waste disposal act (42 U.S.C., chapter
12 82, subchapter IX), as applicable;

13 (c) Install new infrastructure or retrofit existing
14 infrastructure at an underground storage tank facility for dispensing
15 or using renewable or alternative energy for motor vehicles,
16 including electric vehicle charging stations, when conducted in
17 conjunction with either (a) or (b) of this subsection;

18 (d) Install and subsequently remove a temporary petroleum
19 aboveground storage tank system in compliance with applicable laws,
20 when conducted in conjunction with either (a) or (b) of this
21 subsection;

22 (e) Conduct remedial actions in accordance with chapter
23 (~~(70.105D)~~) 70A.305 RCW, including investigation and cleanup of any
24 release or threatened releases of petroleum from a heating oil tank;
25 or

26 (f) Prevent future releases by upgrading, replacing,
27 decommissioning, or removing a heating oil tank.

28 (2) The maximum amount that may be loaned or granted under this
29 program to an owner or operator for a single underground storage tank
30 facility is two million dollars and for a single heating oil tank
31 seventy-five thousand dollars.

32 **Sec. 76.** RCW 70A.445.020 and 2020 c 67 s 1 are each amended to
33 read as follows:

34 (1) The department will conduct a review of information about
35 antifouling paints and ingredients, including information received
36 from manufacturers and others pursuant to this chapter; information
37 on the feasibility of best management practices and nonbiocidal
38 antifouling alternatives; and any additional scientific or technical
39 information and studies it determines are relevant to that review.

1 (2) The department must submit a report to the legislature
2 summarizing its findings no later than June 30, 2024. Prior to
3 submitting the report to the legislature, the department will conduct
4 a public comment process to obtain expertise, input, and a review of
5 the department's proposed determinations by relevant stakeholders and
6 other interested parties. The input received from the public comment
7 process must be considered before finalizing the report.

8 (3) If the department determines that safer and effective
9 alternatives to copper-based antifouling paints are feasible,
10 reasonable, and readily available, then:

11 (a) Beginning January 1, 2026, no manufacturer, wholesaler,
12 retailer, or distributor may sell or offer for sale in this state any
13 new recreational water vessel manufactured on or after January 1,
14 2026, with antifouling paint containing more than 0.5 percent copper.
15 This restriction does not apply to wood boats.

16 (b) Beginning January 1, 2026, antifouling paint that is intended
17 for use on a recreational water vessel and that contains more than
18 0.5 percent copper may not be offered for sale in this state.

19 (c) Beginning January 1, 2026, antifouling paint containing more
20 than 0.5 percent copper may not be applied to a recreational water
21 vessel in this state. This restriction does not apply to wood boats.

22 (4) If the department does not determine by June 30, 2024, that
23 safer and effective alternatives to copper-based antifouling paints
24 are feasible, reasonable, and readily available, then the department
25 must conduct a second review of relevant studies and information on
26 alternatives to copper-based antifouling paints and submit a report
27 to the legislature summarizing its findings no later than June 30,
28 2029.

29 (5) Nothing in this section restricts the department from
30 reviewing and restricting antifouling paints under chapter ((70.365))
31 70A.350 RCW.

32 **Sec. 77.** RCW 70A.530.020 and 2020 c 138 s 3 are each amended to
33 read as follows:

34 (1) Beginning January 1, 2021, except as provided in this section
35 and RCW 70A.530.030, a retail establishment may not provide to a
36 customer or a person at an event:

37 (a) A single-use plastic carryout bag;

38 (b) A paper carryout bag or reusable carryout bag made of film
39 plastic that does not meet recycled content requirements; or

1 (c) Beginning January 1, 2026, a reusable carryout bag made of
2 film plastic with a thickness of less than four mils, in the event
3 that the 2025 legislature does not amend this section to reflect the
4 recommendations to the legislature made consistent with RCW
5 70A.530.060.

6 (2)(a) A retail establishment may provide a reusable carryout bag
7 or a recycled content paper carryout bag of any size to a customer at
8 the point of sale. A retail establishment may make reusable carryout
9 bags available to customers through sale.

10 (b)(i) Until December 31, 2025, a retail establishment must
11 collect a pass-through charge of eight cents for every recycled
12 content paper carryout bag with a manufacturer's stated capacity of
13 one-eighth barrel (eight hundred eighty-two cubic inches) or greater
14 or reusable carryout bag made of film plastic it provides, except as
15 provided in subsection (5) of this section and RCW 70A.530.030.

16 (ii) Beginning January 1, 2026, a retail establishment must
17 collect a pass-through charge of twelve cents for reusable carryout
18 bags made of film plastic and eight cents for recycled content paper
19 carryout bags, in the event that the 2025 legislature does not amend
20 this section to reflect the recommendations to the legislature made
21 consistent with RCW 70A.530.060. It is the intent of the legislature
22 for the 2025 legislature to reassess the amount of the pass-through
23 charge authorized under this subsection (2)(b), taking into
24 consideration the content of the report to the legislature under RCW
25 70A.530.060.

26 (c) A retail establishment must keep all revenue from pass-
27 through charges. The pass-through charge is a taxable retail sale. A
28 retail establishment must show all pass-through charges on a receipt
29 provided to the customer.

30 (3) Carryout bags provided by a retail establishment do not
31 include:

32 (a) Bags used by consumers inside stores to:

33 (i) Package bulk items, such as fruit, vegetables, nuts, grains,
34 candy, greeting cards, or small hardware items such as nails, bolts,
35 or screws;

36 (ii) Contain or wrap items where dampness or sanitation might be
37 a problem including, but not limited to:

38 (A) Frozen foods;

39 (B) Meat;

40 (C) Fish;

1 (D) Flowers; and
2 (E) Potted plants;
3 (iii) Contain unwrapped prepared foods or bakery goods;
4 (iv) Contain prescription drugs; or
5 (v) Protect a purchased item from damaging or contaminating other
6 purchased items when placed in a recycled content paper carryout bag
7 or reusable carryout bag; or

8 (b) Newspaper bags, mailing pouches, sealed envelopes, door
9 hanger bags, laundry/dry cleaning bags, or bags sold in packages
10 containing multiple bags for uses such as food storage, garbage, or
11 pet waste.

12 (4)(a) Any compostable film bag that a retail establishment
13 provides to customers for products, including for products bagged in
14 stores prior to checkout, must meet the requirements for compostable
15 products and film bags in chapter ((70.360)) 70A.455 RCW.

16 (b) A retail establishment may not use or provide polyethylene or
17 other noncompostable plastic bags for bagging of customer products in
18 stores, as carryout bags, or for home delivery that do not meet the
19 requirements for noncompostable products and film bags in chapter
20 ((70.360)) 70A.455 RCW.

21 (5) Except as provided by local regulations enacted as of April
22 1, 2020, a retail establishment may provide a bag restricted under
23 subsection (1) of this section from existing inventory until one year
24 after June 11, 2020. The retail establishment, upon request by the
25 department, must provide purchase invoices, distribution receipts, or
26 other information documenting that the bag was acquired prior to June
27 11, 2020.

28 (6) For the purposes of this section:

29 (a) A recycled content paper carryout bag must:

30 (i) Contain a minimum of forty percent postconsumer recycled
31 materials;

32 (ii) Be capable of composting, consistent with the timeline and
33 specifications of the entire American society of testing materials
34 D6868 and associated test methods that must be met, as it existed as
35 of January 1, 2020; and

36 (iii) Display in print on the exterior of the paper bag the
37 minimum percentage of postconsumer content.

38 (b) A reusable carryout bag must:

39 (i) Have a minimum lifetime of one hundred twenty-five uses,
40 which for purposes of this subsection means the capacity to carry a

1 minimum of twenty-two pounds one hundred twenty-five times over a
2 distance of at least one hundred seventy-five feet;

3 (ii) Be machine washable or made from a durable material that may
4 be cleaned or disinfected; and

5 (iii) If made of film plastic:

6 (A) Be made from a minimum of twenty percent postconsumer
7 recycled content until July 1, 2022, and thereafter must be made from
8 a minimum of forty percent postconsumer recycled content;

9 (B) Display in print on the exterior of the plastic bag the
10 minimum percentage of postconsumer recycled content, the mil
11 thickness, and that the bag is reusable; and

12 (C) Have a minimum thickness of no less than 2.25 mils until
13 December 31, 2025, and beginning January 1, 2026, must have a minimum
14 thickness of four mils.

15 (c) Except for the purposes of subsection (4) of this section,
16 food banks and other food assistance programs are not retail
17 establishments, but are encouraged to take actions to reduce the use
18 of single-use plastic carryout bags.

19 **Sec. 78.** RCW 70A.530.020 and 2020 c 138 s 3 are each amended to
20 read as follows:

21 (1) Beginning January 1, 2021, except as provided in this section
22 and RCW 70A.530.030, a retail establishment may not provide to a
23 customer or a person at an event:

24 (a) A single-use plastic carryout bag;

25 (b) A paper carryout bag or reusable carryout bag made of film
26 plastic that does not meet recycled content requirements; or

27 (c) Beginning January 1, 2026, a reusable carryout bag made of
28 film plastic with a thickness of less than four mils, in the event
29 that the 2025 legislature does not amend this section to reflect the
30 recommendations to the legislature made consistent with RCW
31 70A.530.060.

32 (2)(a) A retail establishment may provide a reusable carryout bag
33 or a recycled content paper carryout bag of any size to a customer at
34 the point of sale. A retail establishment may make reusable carryout
35 bags available to customers through sale.

36 (b)(i) Until December 31, 2025, a retail establishment must
37 collect a pass-through charge of eight cents for every recycled
38 content paper carryout bag with a manufacturer's stated capacity of
39 one-eighth barrel (eight hundred eighty-two cubic inches) or greater

1 or reusable carryout bag made of film plastic it provides, except as
2 provided in subsection (5) of this section and RCW 70A.530.030.

3 (ii) Beginning January 1, 2026, a retail establishment must
4 collect a pass-through charge of twelve cents for reusable carryout
5 bags made of film plastic and eight cents for recycled content paper
6 carryout bags, in the event that the 2025 legislature does not amend
7 this section to reflect the recommendations to the legislature made
8 consistent with RCW 70A.530.060. It is the intent of the legislature
9 for the 2025 legislature to reassess the amount of the pass-through
10 charge authorized under this subsection (2)(b), taking into
11 consideration the content of the report to the legislature under RCW
12 70A.530.060.

13 (c) A retail establishment must keep all revenue from pass-
14 through charges. The pass-through charge is a taxable retail sale. A
15 retail establishment must show all pass-through charges on a receipt
16 provided to the customer.

17 (3) Carryout bags provided by a retail establishment do not
18 include:

19 (a) Bags used by consumers inside stores to:

20 (i) Package bulk items, such as fruit, vegetables, nuts, grains,
21 candy, greeting cards, or small hardware items such as nails, bolts,
22 or screws;

23 (ii) Contain or wrap items where dampness or sanitation might be
24 a problem including, but not limited to:

25 (A) Frozen foods;

26 (B) Meat;

27 (C) Fish;

28 (D) Flowers; and

29 (E) Potted plants;

30 (iii) Contain unwrapped prepared foods or bakery goods;

31 (iv) Contain prescription drugs; or

32 (v) Protect a purchased item from damaging or contaminating other
33 purchased items when placed in a recycled content paper carryout bag
34 or reusable carryout bag; or

35 (b) Newspaper bags, mailing pouches, sealed envelopes, door
36 hanger bags, laundry/dry cleaning bags, or bags sold in packages
37 containing multiple bags for uses such as food storage, garbage, or
38 pet waste.

39 (4)(a) Any compostable film bag that a retail establishment
40 provides to customers for products, including for products bagged in

1 stores prior to checkout, must meet the requirements for compostable
2 products and film bags in chapter ((70.360)) 70A.455 RCW.

3 (b) A retail establishment may not use or provide polyethylene or
4 other noncompostable plastic bags for bagging of customer products in
5 stores, as carryout bags, or for home delivery that do not meet the
6 requirements for noncompostable products and film bags in chapter
7 ((70.360)) 70A.455 RCW.

8 (5) Except as provided by local regulations enacted as of April
9 1, 2020, a retail establishment may provide a bag restricted under
10 subsection (1) of this section from existing inventory until one year
11 after June 11, 2020. The retail establishment, upon request by the
12 department, must provide purchase invoices, distribution receipts, or
13 other information documenting that the bag was acquired prior to June
14 11, 2020.

15 (6) For the purposes of this section:

16 (a) A recycled content paper carryout bag must:

17 (i) Contain a minimum of forty percent postconsumer recycled
18 materials;

19 (ii) Be capable of composting, consistent with the timeline and
20 specifications of the entire American society of testing materials
21 D6868 and associated test methods that must be met, as it existed as
22 of January 1, 2020; and

23 (iii) Display in print on the exterior of the paper bag the
24 minimum percentage of postconsumer content.

25 (b) A reusable carryout bag must:

26 (i) Have a minimum lifetime of one hundred twenty-five uses,
27 which for purposes of this subsection means the capacity to carry a
28 minimum of twenty-two pounds one hundred twenty-five times over a
29 distance of at least one hundred seventy-five feet;

30 (ii) Be machine washable or made from a durable material that may
31 be cleaned or disinfected; and

32 (iii) If made of film plastic:

33 (A) Be made from a minimum of twenty percent postconsumer
34 recycled content until July 1, 2022, and thereafter must be made from
35 a minimum of forty percent postconsumer recycled content;

36 (B) Display in print on the exterior of the plastic bag the
37 minimum percentage of postconsumer recycled content, the mil
38 thickness, and that the bag is reusable; and

1 (C) Have a minimum thickness of no less than 2.25 mils until
2 December 31, 2025, and beginning January 1, 2026, must have a minimum
3 thickness of four mils.

4 (c) Except for the purposes of subsection (4) of this section,
5 food banks and other food assistance programs are not retail
6 establishments, but are encouraged to take actions to reduce the use
7 of single-use plastic carryout bags.

8 **Sec. 79.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to
9 read as follows:

10 (1) Except in certain areas designated by the department or as
11 permitted under rules adopted by the department, a person shall have
12 a valid written burning permit obtained from the department to burn:

13 (a) Any flammable material on any lands under the protection of
14 the department; or

15 (b) Refuse or waste forest material on forestlands protected by
16 the department.

17 (2) To be valid a permit must be signed by both the department
18 and the permittee. Conditions may be imposed in the permit for the
19 protection of life, property, or air quality and (~~((the department))~~)
20 the department may suspend or revoke the permits when conditions
21 warrant. A permit shall be effective only under the conditions and
22 for the period stated therein. Signing of the permit shall indicate
23 the permittee's agreement to and acceptance of the conditions of the
24 permit.

25 (3) The department may inspect or cause to be inspected the area
26 involved and may issue a burning permit if:

27 (a) All requirements relating to firefighting equipment, the work
28 to be done, and precautions to be taken before commencing the burning
29 have been met;

30 (b) No unreasonable danger will result; and

31 (c) Burning will be done in compliance with air quality standards
32 established by chapter (~~((70.94))~~) 70A.15 RCW.

33 (4) The department, authorized employees thereof, or any warden
34 or ranger may refuse, revoke, or postpone the use of permits to burn
35 when necessary for the safety of adjacent property or when necessary
36 in their judgment to prevent air pollution as provided in chapter
37 (~~((70.94))~~) 70A.15 RCW.

1 **Sec. 80.** RCW 76.09.905 and 1974 ex.s. c 137 s 31 are each
2 amended to read as follows:

3 Nothing in RCW 76.09.010 through 76.09.280 or 90.48.420 shall
4 modify chapter ((70.94)) 70A.15 RCW or any other provision of law
5 relating to the control of air pollution.

6 **Sec. 81.** RCW 77.12.734 and 2013 c 291 s 10 are each amended to
7 read as follows:

8 (1) Following the inspection required under RCW 77.12.732 and
9 prior to transferring ownership of a department-owned vessel, the
10 department shall obtain the following from the transferee:

11 (a) The purposes for which the transferee intends to use the
12 vessel; and

13 (b) Information demonstrating the prospective owner's intent to
14 obtain legal moorage following the transfer, in the manner determined
15 by the department.

16 (2)(a) The department shall remove any containers or other
17 materials that are not fixed to the vessel and contain hazardous
18 substances, as defined under RCW ((70.105D.020)) 70A.305.020.

19 (b) However, the department may transfer a vessel with:

20 (i) Those containers or materials described under (a) of this
21 subsection where the transferee demonstrates to the department's
22 satisfaction that the container's or material's presence is
23 consistent with the anticipated use of the vessel; and

24 (ii) A reasonable amount of fuel as determined by the department,
25 based on factors including the vessel's size, condition, and
26 anticipated use of the vessel, including initial destination
27 following transfer.

28 (c) The department may consult with the department of ecology in
29 carrying out the requirements of this subsection.

30 (3) Prior to sale, and unless the vessel has a title or valid
31 marine document, the department is required to apply for a
32 certificate of title for the vessel under RCW 88.02.510 and register
33 the vessel under RCW 88.02.550.

34 **Sec. 82.** RCW 77.60.170 and 2008 c 202 s 1 are each amended to
35 read as follows:

36 (1)(a) The department shall transfer the funds required by RCW
37 77.60.160 to the appropriate local governments. Pacific and Grays
38 Harbor counties and Puget Sound shall manage their established

1 shellfish—on-site sewage grant program. The local governments, in
2 consultation with the department of health, shall use the provided
3 funds as grants or loans to individuals for repairing or improving
4 their on-site sewage systems. The grants or loans may be provided
5 only in areas that have the potential to adversely affect water
6 quality in commercial and recreational shellfish growing areas.

7 (b) A recipient of a grant or loan shall enter into an agreement
8 with the appropriate local government to maintain the improved on-
9 site sewage system according to specifications required by the local
10 government.

11 (c) The department shall work closely with local governments and
12 it shall be the goal of the department to attain geographic equity
13 between Grays Harbor, Willapa Bay, and Puget Sound when making funds
14 available under this program.

15 (d) For the purposes of this subsection, "geographic equity"
16 means issuing on-site sewage grants or loans at a level that matches
17 the funds generated from the oyster reserve lands in that area.

18 (2) In Puget Sound, the local governments shall give first
19 priority to areas that are:

20 (a) Identified as "areas of special concern" under WAC
21 246-272-01001;

22 (b) Included within a shellfish protection district under chapter
23 90.72 RCW; or

24 (c) Identified as a marine recovery area under chapter
25 (~~(70.118A)~~) 70A.110 RCW.

26 (3) In Grays Harbor and Pacific counties, the local governments
27 shall give first priority to preventing the deterioration of water
28 quality in areas where commercial or recreational shellfish are
29 grown.

30 (4) The department and each participating local government shall
31 enter into a memorandum of understanding that will establish an
32 applicant income eligibility requirement for individual grant
33 applicants from within the jurisdiction and other mutually agreeable
34 terms and conditions of the grant program.

35 (5) For the 2007-2009 biennium, from the funds received under
36 this section, Pacific county shall transfer up to two hundred
37 thousand dollars to the department. Upon receiving the funds from
38 Pacific county, the department and the appropriate oyster reserve
39 advisory committee under RCW 77.60.160 shall identify and execute
40 specific research projects with those funds.

1 **Sec. 83.** RCW 78.44.050 and 2003 c 39 s 39 are each amended to
2 read as follows:

3 The department shall have the exclusive authority to regulate
4 surface mine reclamation. No county, city, or town may require for
5 its review or approval a separate reclamation plan or application.
6 The department may, however, delegate some or all of its enforcement
7 authority by contractual agreement to a county, city, or town that
8 employs personnel who are, in the opinion of the department,
9 qualified to enforce plans approved by the department. All counties,
10 cities, or towns shall have the authority to zone surface mines and
11 adopt ordinances regulating operations as provided in this chapter,
12 except that county, city, or town operations ordinances may be
13 preempted by the department during the emergencies outlined in RCW
14 78.44.200 and related rules.

15 This chapter shall not alter or preempt any provisions of the
16 state water allocation and use laws (chapters 90.03 and 90.44 RCW),
17 the state water pollution control laws (chapter 90.48 RCW), the state
18 fish and wildlife laws (Title 77 RCW), state noise laws or air
19 quality laws (Title 70 RCW), shoreline management (chapter 90.58
20 RCW), the state environmental policy act (chapter 43.21C RCW), state
21 growth management (chapter 36.70A RCW), state drinking water laws
22 (chapters 43.20 and (~~70.119A~~) 70A.125 RCW), or any other state
23 statutes.

24 **Sec. 84.** RCW 78.56.020 and 1994 c 232 s 2 are each amended to
25 read as follows:

26 The definitions set forth in this section apply throughout this
27 chapter.

28 (1) "Metals mining and milling operation" means a mining
29 operation extracting from the earth precious or base metal ore and
30 processing the ore by treatment or concentration in a milling
31 facility. It also refers to an expansion of an existing operation or
32 any new metals mining operation if the expansion or new mining
33 operation is likely to result in a significant, adverse environmental
34 impact pursuant to the provisions of chapter 43.21C RCW. The
35 extraction of dolomite, sand, gravel, aggregate, limestone,
36 magnesite, silica rock, and zeolite or other nonmetallic minerals;
37 and placer mining; and the smelting of aluminum are not metals mining
38 and milling operations regulated under this chapter.

1 (2) "Milling" means the process of grinding or crushing ore and
2 extracting the base or precious metal by chemical solution, electro
3 winning, or flotation processes.

4 (3) "Heap leach extraction process" means the process of
5 extracting base or precious metal ore by percolating solutions
6 through ore in an open system and includes reprocessing of previously
7 milled ore. The heap leach extraction process does not include
8 leaching in a vat or tank.

9 (4) "In situ extraction" means the process of dissolving base or
10 precious metals from their natural place in the geological setting
11 and retrieving the solutions from which metals can be recovered.

12 (5) "Regulated substances" means any materials regulated under a
13 waste discharge permit pursuant to the requirements of chapter 90.48
14 RCW and/or a permit issued pursuant to chapter ((70.94)) 70A.15 RCW.

15 (6) "To mitigate" means: (a) To avoid the adverse impact
16 altogether by not taking a certain action or parts of an action; (b)
17 to minimize adverse impacts by limiting the degree or magnitude of
18 the action and its implementation, by using appropriate technology or
19 by taking affirmative steps to avoid or reduce impacts; (c) to
20 rectify adverse impacts by repairing, rehabilitating, or restoring
21 the affected environment; (d) to reduce or eliminate adverse impacts
22 over time by preservation and maintenance operations during the life
23 of the action; (e) to compensate for the impact by replacing,
24 enhancing, or providing substitute resources or environments; or (f)
25 to monitor the adverse impact and take appropriate corrective
26 measures.

27 **Sec. 85.** RCW 78.56.040 and 1994 c 232 s 4 are each amended to
28 read as follows:

29 The department of ecology shall require each applicant submitting
30 a checklist pursuant to chapter 43.21C RCW for a metals mining and
31 milling operation to disclose the ownership and each controlling
32 interest in the proposed operation. The applicant shall also disclose
33 all other mining operations within the United States which the
34 applicant operates or in which the applicant has an ownership or
35 controlling interest. In addition, the applicant shall disclose and
36 may enumerate and describe the circumstances of: (1) Any past or
37 present bankruptcies involving the ownerships and their subsidiaries,
38 (2) any abandonment of sites regulated by the model toxics control
39 act, chapter ((70.105D)) 70A.305 RCW, or other similar state remedial

cleanup programs, or the federal comprehensive environmental response, compensation, and liability act, 42 U.S.C. Sec. 9601 et seq., as amended, (3) any penalties in excess of ten thousand dollars assessed for violations of the provisions of 33 U.S.C. Sec. 1251 et seq. or 42 U.S.C. Sec. 7401 et seq., and (4) any previous forfeitures of financial assurance due to noncompliance with reclamation or remediation requirements. This information shall be available for public inspection and copying at the department of ecology. Ownership or control of less than ten percent of the stock of a corporation shall not by itself constitute ownership or a controlling interest under this section.

Sec. 86. RCW 78.56.100 and 1994 c 232 s 10 are each amended to read as follows:

(1) In order to receive a waste discharge permit from the department of ecology pursuant to the requirements of chapter 90.48 RCW or in order to operate a metals mining and milling tailing facility, an applicant proposing a metals mining and milling operation regulated under this chapter must meet the following additional requirements:

(a) Any tailings facility shall be designed and operated to prevent the release of pollution and must meet the following standards:

(i) Operators shall apply all known available and reasonable technology to limit the concentration of potentially toxic materials in the tailings facility to assure the protection of wildlife and human health;

(ii) The tailings facility shall have a containment system that includes an engineered liner system, leak detection and leak collection elements, and a seepage collection impoundment to assure that a leak of any regulated substance under chapter 90.48 RCW will be detected before escaping from the containment system. The design and management of the facility must ensure that any leaks from the tailings facility are detected in a manner which allows for remediation pursuant to chapter 90.48 RCW. The applicant shall prepare a detailed engineering report setting forth the facility design and construction. The applicant shall submit the report to the department of ecology for its review and approval of a design as determined by the department. Natural conditions, such as depth to groundwater or net rainfall, shall be taken into account in the

1 facility design, but not in lieu of the protection required by the
2 engineered liner system;

3 (iii) The toxicity of mine or mill tailings and the potential for
4 long-term release of regulated substances from mine or mill tailings
5 shall be reduced to the greatest extent practicable through
6 stabilization, removal, or reuse of the substances; and

7 (iv) The closure of the tailings facility shall provide for
8 isolation or containment of potentially toxic materials and shall be
9 designed to prevent future release of regulated substances contained
10 in the impoundment;

11 (b) The applicant must develop a waste rock management plan
12 approved by the department of ecology and the department of natural
13 resources which emphasizes pollution prevention. At a minimum, the
14 plan must contain the following elements:

15 (i) An accurate identification of the acid generating properties
16 of the waste rock;

17 (ii) A strategy for encapsulating potentially toxic material from
18 the environment, when appropriate, in order to prevent the release of
19 heavy metals and acidic drainage; and

20 (iii) A plan for reclaiming and closing waste rock sites which
21 minimizes infiltration of precipitation and runoff into the waste
22 rock and which is designed to prevent future releases of regulated
23 substances contained within the waste rock;

24 (c) If an interested citizen or citizen group so requests of the
25 department of ecology, the metals mining and milling operator or
26 applicant shall work with the department of ecology and the
27 interested party to make arrangements for citizen observation and
28 verification in the taking of required water samples. While it is the
29 intent of this subsection to provide for citizen observation and
30 verification of water sampling activities, it is not the intent of
31 this subsection to require additional water sampling and analysis on
32 the part of the mining and milling operation or the department. The
33 citizen observation and verification program shall be incorporated
34 into the applicant's, operator's, or department's normal sampling
35 regimen and shall occur at least once every six months. There is no
36 duty of care on the part of the state or its employees to any person
37 who participates in the citizen observation and verification of water
38 sampling under chapter 232, Laws of 1994 and the state and its
39 employees shall be immune from any civil lawsuit based on any
40 injuries to or claims made by any person as a result of that person's

1 participation in such observation and verification of water sampling
2 activities. The metals mining and milling operator or applicant shall
3 not be liable for any injuries to or claims made by any person which
4 result from that person coming onto the property of the metals mining
5 and milling operator or applicant as an observer pursuant to chapter
6 232, Laws of 1994. The results from these and all other relevant
7 water sampling activities shall be kept on file with the relevant
8 county and shall be available for public inspection during normal
9 working hours; and

10 (d) An operator or applicant for a metals mining and milling
11 operation must complete a voluntary reduction plan in accordance with
12 RCW ((70.95C.200)) 70A.214.110.

13 (2) Only those tailings facilities constructed after April 1,
14 1994, must meet the requirement established in subsection (1)(a) of
15 this section. Only those waste rock holdings constructed after April
16 1, 1994, must meet the requirement established in subsection (1)(b)
17 of this section.

18 **Sec. 87.** RCW 78.56.150 and 1994 c 232 s 15 are each amended to
19 read as follows:

20 A milling facility which is not adjacent to or in the vicinity of
21 the metals mining operation producing the ore to be milled and which
22 processes precious or base metal ore by treatment or concentration is
23 subject to the provisions of RCW 78.56.010 through 78.56.090,
24 78.56.100(1) (a), (c), and (d), 78.56.110 through 78.56.140,
25 ((70.94.620, and 70.105.300)) 70A.15.4520, and 70A.300.470 and
26 chapters ((70.94, 70.105)) 70A.15, 70A.300, 90.03, and 90.48 RCW and
27 all other applicable laws. The smelting of aluminum does not
28 constitute a metals milling operation under this section.

29 **Sec. 88.** RCW 79.100.030 and 2011 c 247 s 4 are each amended to
30 read as follows:

31 (1) An authorized public entity has the authority, subject to the
32 processes and limitations of this chapter, to store, strip, use,
33 auction, sell, salvage, scrap, or dispose of an abandoned or derelict
34 vessel found on or above aquatic lands within the jurisdiction of the
35 authorized public entity. A vessel disposal must be done in an
36 environmentally sound manner and in accordance with all federal,
37 state, and local laws, including the state solid waste disposal
38 provisions provided for in chapter ((70.95)) 70A.205 RCW. Scuttling

1 or sinking of a vessel is only permissible after obtaining the
2 express permission of the owner or owners of the aquatic lands below
3 where the scuttling or sinking would occur, and obtaining all
4 necessary state and federal permits or licenses.

5 (2) The primary responsibility to remove a derelict or abandoned
6 vessel belongs to the owner, operator, or lessee of the moorage
7 facility or the aquatic lands where the vessel is located. If the
8 authorized public entity with the primary responsibility is unwilling
9 or unable to exercise the authority granted by this section, it may
10 request the department to assume the authorized public entity's
11 authority for a particular vessel. The department may at its
12 discretion assume the authorized public entity's authority for a
13 particular vessel after being requested to do so. For vessels not at
14 a moorage facility, an authorized public entity with jurisdiction
15 over the aquatic lands where the vessel is located may, at its
16 discretion, request to assume primary responsibility for that
17 particular vessel from the owner of the aquatic lands where the
18 vessel is located.

19 (3) The authority granted by this chapter is permissive, and no
20 authorized public entity has a duty to exercise the authority. No
21 liability attaches to an authorized public entity that chooses not to
22 exercise this authority. An authorized public entity, in the good
23 faith performance of the actions authorized under this chapter, is
24 not liable for civil damages resulting from any act or omission in
25 the performance of the actions other than acts or omissions
26 constituting gross negligence or willful or wanton misconduct. Any
27 person whose assistance has been requested by an authorized public
28 entity, who has entered into a written agreement pursuant to RCW
29 79.100.070, and who, in good faith, renders assistance or advice with
30 respect to activities conducted by an authorized public entity
31 pursuant to this chapter, is not liable for civil damages resulting
32 from any act or omission in the rendering of the assistance or
33 advice, other than acts or omissions constituting gross negligence or
34 willful or wanton misconduct.

35 **Sec. 89.** RCW 79.100.050 and 2002 c 286 s 6 are each amended to
36 read as follows:

37 (1) After taking custody of a vessel, the authorized public
38 entity may use or dispose of the vessel in any appropriate and
39 environmentally sound manner without further notice to any owners,

1 but must give preference to uses that derive some monetary benefit
2 from the vessel, either in whole or in scrap. If no value can be
3 derived from the vessel, the authorized public entity must give
4 preference to the least costly, environmentally sound, reasonable
5 disposal option. Any disposal operations must be consistent with the
6 state solid waste disposal provisions provided for in chapter
7 (~~70.95~~) 70A.205 RCW.

8 (2) If the authorized public entity chooses to offer the vessel
9 at a public auction, either a minimum bid may be set or a letter of
10 credit may be required, or both, to discourage future reabandonment
11 of the vessel.

12 (3) Proceeds derived from the sale of the vessel must first be
13 applied to any administrative costs that are incurred by the
14 authorized public entity during the notification procedures set forth
15 in RCW 79.100.040, removal and disposal costs, and costs associated
16 with environmental damages directly or indirectly caused by the
17 vessel. If the proceeds derived from the vessel exceed all
18 administrative costs, removal and disposal costs, and costs
19 associated with environmental damages directly or indirectly caused
20 by the vessel, the remaining moneys must be applied to satisfying any
21 liens registered against the vessel.

22 (4) Any value derived from a vessel greater than all liens and
23 costs incurred reverts to the derelict vessel removal account
24 established in RCW 79.100.100.

25 **Sec. 90.** RCW 79A.05.050 and 2002 c 175 s 52 are each amended to
26 read as follows:

27 (1) The commission shall establish a policy and procedures for
28 supervising and evaluating community restitution activities that may
29 be imposed under RCW (~~70.93.060~~) 70A.200.060(3) including a
30 description of what constitutes satisfactory completion of community
31 restitution.

32 (2) The commission shall inform each state park of the policy and
33 procedures regarding community restitution activities, and each state
34 park shall then notify the commission as to whether or not the park
35 elects to participate in the community restitution program. The
36 commission shall transmit a list notifying the district courts of
37 each state park that elects to participate.

1 **Sec. 91.** RCW 79A.05.189 and 2013 c 291 s 12 are each amended to
2 read as follows:

3 (1) Following the inspection required under RCW 79A.05.187 and
4 prior to transferring ownership of a commission-owned vessel, the
5 commission shall obtain the following from the transferee:

6 (a) The purposes for which the transferee intends to use the
7 vessel; and

8 (b) Information demonstrating the prospective owner's intent to
9 obtain legal moorage following the transfer, in the manner determined
10 by the commission.

11 (2)(a) The commission shall remove any containers or other
12 materials that are not fixed to the vessel and contain hazardous
13 substances, as defined under RCW ((70.105D.020)) 70A.305.020.

14 (b) However, the commission may transfer a vessel with:

15 (i) Those containers or materials described under (a) of this
16 subsection where the transferee demonstrates to the commission's
17 satisfaction that the container's or material's presence is
18 consistent with the anticipated use of the vessel; and

19 (ii) A reasonable amount of fuel as determined by the commission,
20 based on factors including the vessel's size, condition, and
21 anticipated use of the vessel, including initial destination
22 following transfer.

23 (c) The commission may consult with the department of ecology in
24 carrying out the requirements of this subsection.

25 (3) Prior to sale, and unless the vessel has a title or valid
26 marine document, the commission is required to apply for a
27 certificate of title for the vessel under RCW 88.02.510 and register
28 the vessel under RCW 88.02.550.

29 **Sec. 92.** RCW 80.01.300 and 1971 ex.s. c 293 s 7 are each amended
30 to read as follows:

31 Nothing contained in the provisions of RCW 36.58A.010 through
32 36.58A.040 and ((70.95.090)) 70A.205.045 and this section shall
33 detract from the powers, duties, and functions given to the utilities
34 and transportation commission in chapter 81.77 RCW.

35 **Sec. 93.** RCW 80.04.010 and 2011 c 214 s 2 and 2011 c 28 s 1 are
36 each reenacted and amended to read as follows:

37 As used in this title, unless specifically defined otherwise or
38 unless the context indicates otherwise:

1 (1) "Automatic location identification" means a system by which
2 information about a caller's location, including the seven-digit
3 number or ten-digit number used to place a 911 call or a different
4 seven-digit number or ten-digit number to which a return call can be
5 made from the public switched network, is forwarded to a public
6 safety answering point for display.

7 (2) "Automatic number identification" means a system that allows
8 for the automatic display of the seven-digit or ten-digit number used
9 to place a 911 call.

10 (3) "Battery charging facility" includes a "battery charging
11 station" and a "rapid charging station" as defined in RCW 82.08.816.

12 (4) "Cogeneration facility" means any machinery, equipment,
13 structure, process, or property, or any part thereof, installed or
14 acquired for the primary purpose of the sequential generation of
15 electrical or mechanical power and useful heat from the same primary
16 energy source or fuel.

17 (5) "Commission" means the utilities and transportation
18 commission.

19 (6) "Commissioner" means one of the members of such commission.

20 (7) "Competitive telecommunications company" means a
21 telecommunications company which has been classified as such by the
22 commission pursuant to RCW 80.36.320.

23 (8) "Competitive telecommunications service" means a service
24 which has been classified as such by the commission pursuant to RCW
25 80.36.330.

26 (9) "Corporation" includes a corporation, company, association or
27 joint stock association.

28 (10) "Department" means the department of health.

29 (11) "Electric plant" includes all real estate, fixtures and
30 personal property operated, owned, used or to be used for or in
31 connection with or to facilitate the generation, transmission,
32 distribution, sale or furnishing of electricity for light, heat, or
33 power for hire; and any conduits, ducts or other devices, materials,
34 apparatus or property for containing, holding or carrying conductors
35 used or to be used for the transmission of electricity for light,
36 heat or power.

37 (12) "Electrical company" includes any corporation, company,
38 association, joint stock association, partnership and person, their
39 lessees, trustees or receivers appointed by any court whatsoever
40 (other than a railroad or street railroad company generating

1 electricity solely for railroad or street railroad purposes or for
2 the use of its tenants and not for sale to others), and every city or
3 town owning, operating or managing any electric plant for hire within
4 this state. "Electrical company" does not include a company or person
5 employing a cogeneration facility solely for the generation of
6 electricity for its own use or the use of its tenants or for sale to
7 an electrical company, state or local public agency, municipal
8 corporation, or quasi municipal corporation engaged in the sale or
9 distribution of electrical energy, but not for sale to others, unless
10 such company or person is otherwise an electrical company.

11 (13) "Facilities" means lines, conduits, ducts, poles, wires,
12 cables, cross-arms, receivers, transmitters, instruments, machines,
13 appliances, instrumentalities and all devices, real estate,
14 easements, apparatus, property and routes used, operated, owned or
15 controlled by any telecommunications company to facilitate the
16 provision of telecommunications service.

17 (14) "Gas company" includes every corporation, company,
18 association, joint stock association, partnership and person, their
19 lessees, trustees or receiver appointed by any court whatsoever, and
20 every city or town, owning, controlling, operating or managing any
21 gas plant within this state.

22 (15) "Gas plant" includes all real estate, fixtures and personal
23 property, owned, leased, controlled, used or to be used for or in
24 connection with the transmission, distribution, sale or furnishing of
25 natural gas, or the manufacture, transmission, distribution, sale or
26 furnishing of other type gas, for light, heat or power.

27 (16) "LATA" means a local access transport area as defined by the
28 commission in conformance with applicable federal law.

29 (17) "Local exchange company" means a telecommunications company
30 providing local exchange telecommunications service.

31 (18) "Noncompetitive telecommunications service" means any
32 service which has not been classified as competitive by the
33 commission.

34 (19) "Person" includes an individual, a firm or partnership.

35 (20) "Private shared telecommunications services" includes the
36 provision of telecommunications and information management services
37 and equipment within a user group located in discrete private
38 premises in building complexes, campuses, or high-rise buildings, by
39 a commercial shared services provider or by a user association,
40 through privately owned customer premises equipment and associated

1 data processing and information management services and includes the
2 provision of connections to the facilities of a local exchange and to
3 interexchange telecommunications companies.

4 (21) "Private switch automatic location identification service"
5 means a service that enables automatic location identification to be
6 provided to a public safety answering point for 911 calls originating
7 from station lines served by a private switch system.

8 (22) "Private telecommunications system" means a
9 telecommunications system controlled by a person or entity for the
10 sole and exclusive use of such person, entity, or affiliate thereof,
11 including the provision of private shared telecommunications services
12 by such person or entity. "Private telecommunications system" does
13 not include a system offered for hire, sale, or resale to the general
14 public.

15 (23) "Public service company" includes every gas company,
16 electrical company, telecommunications company, wastewater company,
17 and water company. Ownership or operation of a cogeneration facility
18 does not, by itself, make a company or person a public service
19 company.

20 (24) "Radio communications service company" includes every
21 corporation, company, association, joint stock association,
22 partnership, and person, their lessees, trustees, or receivers
23 appointed by any court, and every city or town making available
24 facilities to provide radio communications service, radio paging, or
25 cellular communications service for hire, sale, or resale.

26 (25) "Service" is used in this title in its broadest and most
27 inclusive sense.

28 (26) "System of sewerage" means collection, treatment, and
29 disposal facilities and services for sewerage, or storm or surface
30 water runoff.

31 (27) "Telecommunications" is the transmission of information by
32 wire, radio, optical cable, electromagnetic, or other similar means.
33 As used in this definition, "information" means knowledge or
34 intelligence represented by any form of writing, signs, signals,
35 pictures, sounds, or any other symbols.

36 (28) "Telecommunications company" includes every corporation,
37 company, association, joint stock association, partnership and
38 person, their lessees, trustees or receivers appointed by any court
39 whatsoever, and every city or town owning, operating or managing any

1 facilities used to provide telecommunications for hire, sale, or
2 resale to the general public within this state.

3 (29)(a) "Wastewater company" means a corporation, company,
4 association, joint stock association, partnership and person, their
5 lessees, trustees, or receivers that owns or proposes to develop and
6 own a system of sewerage that is designed for a peak flow of twenty-
7 seven thousand to one hundred thousand gallons per day if treatment
8 is by a large on-site sewerage system, or to serve one hundred or
9 more customers.

10 (b) For purposes of commission jurisdiction, wastewater company
11 does not include: (i) Municipal, county, or other publicly owned
12 systems of sewerage; or (ii) wastewater company service to customers
13 outside of an urban growth area as defined in RCW 36.70A.030.

14 (30)(a) "Water company" includes every corporation, company,
15 association, joint stock association, partnership and person, their
16 lessees, trustees or receivers appointed by any court whatsoever, and
17 every city or town owning, controlling, operating, or managing any
18 water system for hire within this state.

19 (b) For purposes of commission jurisdiction, "water company" does
20 not include any water system serving less than one hundred customers
21 where the average annual gross revenue per customer does not exceed
22 three hundred dollars per year, which revenue figure may be increased
23 annually by the commission by rule adopted pursuant to chapter 34.05
24 RCW to reflect the rate of inflation as determined by the implicit
25 price deflator of the United States department of commerce. The
26 measurement of customers or revenues must include all portions of
27 water companies having common ownership or control, regardless of
28 location or corporate designation.

29 (c) "Control" is defined by the commission by rule and does not
30 include management by a satellite agency as defined in chapter
31 (~~70.116~~) 70A.100 RCW if the satellite agency is not an owner of the
32 water company.

33 (d) "Water company" also includes, for auditing purposes only,
34 nonmunicipal water systems which are referred to the commission
35 pursuant to an administrative order from the department, or the city
36 or county as provided in RCW 80.04.110.

37 (e) Water companies exempt from commission regulation are subject
38 to the provisions of chapter 19.86 RCW. A water company cannot be
39 removed from regulation except with the approval of the commission.
40 Water companies subject to regulation may petition the commission for

1 removal from regulation if the number of customers falls below one
2 hundred or the average annual revenue per customer falls below three
3 hundred dollars. The commission is authorized to maintain continued
4 regulation if it finds that the public interest so requires.

5 (31) "Water system" includes all real estate, easements,
6 fixtures, personal property, dams, dikes, head gates, weirs, canals,
7 reservoirs, flumes or other structures or appliances operated, owned,
8 used or to be used for or in connection with or to facilitate the
9 supply, storage, distribution, sale, furnishing, diversion, carriage,
10 apportionment or measurement of water for power, irrigation,
11 reclamation, manufacturing, municipal, domestic or other beneficial
12 uses for hire.

13 **Sec. 94.** RCW 80.04.110 and 2011 c 214 s 7 are each amended to
14 read as follows:

15 (1)(a) Complaint may be made by the commission of its own motion
16 or by any person or corporation, chamber of commerce, board of trade,
17 or any commercial, mercantile, agricultural or manufacturing society,
18 or any body politic or municipal corporation, or by the public
19 counsel section of the office of the attorney general, or its
20 successor, by petition or complaint in writing, setting forth any act
21 or thing done or omitted to be done by any public service corporation
22 in violation, or claimed to be in violation, of any provision of this
23 title, Title 81 RCW, or of any order or rule of the commission.

24 (b) No complaint may be entertained by the commission except upon
25 its own motion, as to the reasonableness of the schedule of the rates
26 or charges of any gas company, electrical company, water company,
27 wastewater company, or telecommunications company, unless the same be
28 signed by the mayor, council or commission of the city or town in
29 which the company complained of is engaged in business, or not less
30 than twenty-five consumers or purchasers of such gas, electricity,
31 water, wastewater company services, or telecommunications service, or
32 at least twenty-five percent of the consumers or purchasers of the
33 company's service.

34 (c) When two or more public service corporations, (meaning to
35 exclude municipal and other public corporations) are engaged in
36 competition in any locality or localities in the state, either may
37 make complaint against the other or others that the rates, charges,
38 rules, regulations or practices of such other or others with or in
39 respect to which the complainant is in competition, are unreasonable,

1 unremunerative, discriminatory, illegal, unfair or intending or
2 tending to oppress the complainant, to stifle competition, or to
3 create or encourage the creation of monopoly, and upon such complaint
4 or upon complaint of the commission upon its own motion, the
5 commission has power, after notice and hearing as in other cases, to,
6 by its order, subject to appeal as in other cases, correct the abuse
7 complained of by establishing such uniform rates, charges, rules,
8 regulations or practices in lieu of those complained of, to be
9 observed by all of such competing public service corporations in the
10 locality or localities specified as is found reasonable,
11 remunerative, nondiscriminatory, legal, and fair or tending to
12 prevent oppression or monopoly or to encourage competition, and upon
13 any such hearing it is proper for the commission to take into
14 consideration the rates, charges, rules, regulations and practices of
15 the public service corporation or corporations complained of in any
16 other locality or localities in the state.

17 (2) All matters upon which complaint may be founded may be joined
18 in one hearing, and no motion may be entertained against a complaint
19 for misjoinder of complaints or grievances or misjoinder of parties;
20 and in any review of the courts of orders of the commission the same
21 rule shall apply and pertain with regard to the joinder of complaints
22 and parties as herein provided. However, all grievances to be
23 inquired into must be plainly set forth in the complaint. No
24 complaint may be dismissed because of the absence of direct damage to
25 the complainant.

26 (3) Upon the filing of a complaint, the commission shall cause a
27 copy thereof to be served upon the person or corporation complained
28 of, which must be accompanied by a notice fixing the time when and
29 place where a hearing will be had upon such complaint. The time fixed
30 for such hearing may not be less than ten days after the date of the
31 service of such notice and complaint, excepting as herein provided.
32 The commission shall enter its final order with respect to a
33 complaint filed by any entity or person other than the commission
34 within ten months from the date of filing of the complaint, unless
35 the date is extended for cause. Rules of practice and procedure not
36 otherwise provided for in this title may be prescribed by the
37 commission. Such rules may include the requirement that a complainant
38 use informal processes before filing a formal complaint.

39 (4)(a) The commission may, as appropriate, audit a nonmunicipal
40 water system upon receipt of an administrative order from the

1 department, or the city or county in which the water system is
2 located, finding that the water delivered by a system does not meet
3 state board of health standards adopted under RCW 43.20.050(2)(a) or
4 standards adopted under chapters ((70.116 and 70.119A)) 70A.100 and
5 70A.125 RCW, and the results of the audit must be provided to the
6 requesting department, city, or county. However, the number of
7 nonmunicipal water systems referred to the commission in any one
8 calendar year shall not exceed twenty percent of the water companies
9 subject to commission regulation as defined in RCW 80.04.010.

10 (b) Every nonmunicipal water system referred to the commission
11 for audit under this section shall pay to the commission an audit fee
12 in an amount, based on the system's twelve-month audited period,
13 equal to the fee required to be paid by regulated companies under RCW
14 80.24.010.

15 (5) Any customer or purchaser of service from a water system or
16 company that is subject to commission regulation may file a complaint
17 with the commission if he or she has reason to believe that the water
18 delivered by the system to the customer does not meet state drinking
19 water standards under chapter 43.20 or ((70.116)) 70A.100 RCW. The
20 commission shall investigate such a complaint, and shall request that
21 the state department of health or local health department of the
22 county in which the system is located test the water for compliance
23 with state drinking water standards, and provide the results of such
24 testing to the commission. The commission may decide not to
25 investigate the complaint if it determines that the complaint has
26 been filed in bad faith, or for the purpose of harassment of the
27 water system or company, or for other reasons has no substantial
28 merit. The water system or company shall bear the expense for the
29 testing. After the commission has received the complaint from the
30 customer and during the pendency of the commission investigation, the
31 water system or company may not take any steps to terminate service
32 to the customer or to collect any amounts alleged to be owed to the
33 company by the customer. The commission may issue an order or take
34 any other action to ensure that no such steps are taken by the system
35 or company. The customer may, at the customer's option and expense,
36 obtain a water quality test by a licensed or otherwise qualified
37 water testing laboratory, of the water delivered to the customer by
38 the water system or company, and provide the results of such a test
39 to the commission. If the commission determines that the water does
40 not meet state drinking water standards, it shall exercise its

1 authority over the system or company as provided in this title, and
2 may, where appropriate, order a refund to the customer on a pro rata
3 basis for the substandard water delivered to the customer, and shall
4 order reimbursement to the customer for the cost incurred by the
5 customer, if any, in obtaining a water quality test.

6 **Sec. 95.** RCW 80.04.180 and 1989 c 207 s 3 are each amended to
7 read as follows:

8 (1) The pendency of any writ of review shall not of itself stay
9 or suspend the operation of the order of the commission, but the
10 superior court in its discretion may restrain or suspend, in whole or
11 in part, the operation of the commission's order pending the final
12 hearing and determination of the suit.

13 (2) No order so restraining or suspending an order of the
14 commission relating to rates, charges, tolls or rentals, or rules or
15 regulations, practices, classifications or contracts affecting the
16 same, shall be made by the superior court otherwise than upon three
17 days' notice and after hearing. If a supersedeas is granted the order
18 granting the same shall contain a specific finding, based upon
19 evidence submitted to the court making the order, and identified by
20 reference thereto, that great or irreparable damage would otherwise
21 result to the petitioner, and specifying the nature of the damage. A
22 water company seeking a supersedeas must demonstrate to the court
23 that it is in compliance with the state board of health standards
24 adopted pursuant to RCW 43.20.050 and chapter ((70.116)) 70A.100 RCW
25 relating to the purity, volume, and pressure of water.

26 (3) In case the order of the commission under review is
27 superseded by the court, it shall require a bond, with good and
28 sufficient surety, conditioned that such company petitioning for such
29 review shall answer for all damages caused by the delay in the
30 enforcement of the order of the commission, and all compensation for
31 whatever sums for transmission or service any person or corporation
32 shall be compelled to pay pending the review proceedings in excess of
33 the sum such person or corporations would have been compelled to pay
34 if the order of the commission had not been suspended.

35 (4) The court may, in addition to or in lieu of the bond herein
36 provided for, require such other or further security for the payment
37 of such excess charges or damages as it may deem proper.

1 **Sec. 96.** RCW 80.28.030 and 2011 c 214 s 13 are each amended to
2 read as follows:

3 (1) Whenever the commission finds, after such hearing, that the
4 illuminating or heating power, purity or pressure of gas, the
5 efficiency of electric lamp supply, the voltage of the current
6 supplied for light, heat or power, the quality of wastewater company
7 services, or the purity, quality, volume, and pressure of water,
8 supplied by any gas company, electrical company, wastewater company,
9 or water company, as the case may be, is insufficient, impure,
10 inadequate or inefficient, it shall order such improvement in the
11 manufacture, distribution or supply of gas, in the manufacture,
12 transmission or supply of electricity, in the operation of the
13 services and facilities of wastewater companies, or in the storage,
14 distribution or supply of water, or in the methods employed by such
15 gas company, electrical company, wastewater company, or water
16 company, as will in its judgment be efficient, adequate, just and
17 reasonable. Failure of a water company to comply with state board of
18 health standards adopted under RCW 43.20.050(2)(a) or department
19 standards adopted under chapter ((70.116)) 70A.100 RCW for purity,
20 volume, and pressure is prima facie evidence that the water supplied
21 is insufficient, impure, inadequate, or inefficient. Failure of a
22 wastewater company to comply with standards and permit conditions
23 adopted and implemented under chapter ((70.118B)) 70A.115 or 90.48
24 RCW for treatment and disposal of sewerage, is prima facie evidence
25 that the system of sewerage is insufficient, inadequate, or
26 inefficient.

27 (2) In ordering improvements in the storage, distribution, or
28 supply of water, the commission shall consult and coordinate with the
29 department of health. In the event that a water company fails to
30 comply with an order of the commission within the deadline specified
31 in the order, the commission may request that the department petition
32 the superior court of Thurston county to place the company in
33 receivership pursuant to chapter 7.60 RCW.

34 (3) In ordering improvements to the system of sewerage, the
35 commission shall consult and coordinate with the department of health
36 or the department of ecology, as appropriate to the agencies'
37 jurisdiction. In the event that a wastewater company fails to comply
38 with an order of the commission within the deadline specified in the
39 order, the commission may petition the superior court of Thurston

1 county to place the company in receivership pursuant to chapter 7.60
2 RCW.

3 **Sec. 97.** RCW 80.28.110 and 2011 c 214 s 20 are each amended to
4 read as follows:

5 Every gas company, electrical company, wastewater company, or
6 water company, engaged in the sale and distribution of gas,
7 electricity or water or the provision of wastewater company services,
8 shall, upon reasonable notice, furnish to all persons and
9 corporations who may apply therefor and be reasonably entitled
10 thereto, suitable facilities for furnishing and furnish all available
11 gas, electricity, wastewater company services, and water as demanded,
12 except that a water company may not furnish water contrary to the
13 provisions of water system plans approved under chapter 43.20 or
14 ((70.116)) 70A.100 RCW and wastewater companies may not provide
15 services contrary to the approved general sewer plan.

16 **Sec. 98.** RCW 80.70.010 and 2004 c 224 s 1 are each amended to
17 read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Applicant" has the meaning provided in RCW 80.50.020 and
21 includes an applicant for a permit for a fossil-fueled thermal
22 electric generation facility subject to RCW ((70.94.152)) 70A.15.2210
23 and 80.70.020(1) (b) or (d).

24 (2) "Authority" means any air pollution control agency whose
25 jurisdictional boundaries are coextensive with the boundaries of one
26 or more counties.

27 (3) "Carbon credit" means a verified reduction in carbon dioxide
28 or carbon dioxide equivalents that is registered with a state,
29 national, or international trading authority or exchange that has
30 been recognized by the council.

31 (4) "Carbon dioxide equivalents" means a metric measure used to
32 compare the emissions from various greenhouse gases based upon their
33 global warming potential.

34 (5) "Cogeneration credit" means the carbon dioxide emissions that
35 the council, department, or authority, as appropriate, estimates
36 would be produced on an annual basis by a stand-alone industrial and
37 commercial facility equivalent in operating characteristics and

1 output to the industrial or commercial heating or cooling process
2 component of the cogeneration plant.

3 (6) "Cogeneration plant" means a fossil-fueled thermal power
4 plant in which the heat or steam is also used for industrial or
5 commercial heating or cooling purposes and that meets federal energy
6 regulatory commission standards for qualifying facilities under the
7 public utility regulatory policies act of 1978.

8 (7) "Commercial operation" means the date that the first
9 electricity produced by a facility is delivered for commercial sale
10 to the power grid.

11 (8) "Council" means the energy facility site evaluation council
12 created by RCW 80.50.030.

13 (9) "Department" means the department of ecology.

14 (10) "Fossil fuel" means natural gas, petroleum, coal, or any
15 form of solid, liquid, or gaseous fuel derived from such material to
16 produce heat for the generation of electricity.

17 (11) "Mitigation plan" means a proposal that includes the process
18 or means to achieve carbon dioxide mitigation through use of
19 mitigation projects or carbon credits.

20 (12) "Mitigation project" means one or more of the following:

21 (a) Projects or actions that are implemented by the certificate
22 holder or order of approval holder, directly or through its agent, or
23 by an independent qualified organization to mitigate the emission of
24 carbon dioxide produced by the fossil-fueled thermal electric
25 generation facility. This term includes but is not limited to the use
26 of, energy efficiency measures, clean and efficient transportation
27 measures, qualified alternative energy resources, demand side
28 management of electricity consumption, and carbon sequestration
29 programs;

30 (b) Direct application of combined heat and power (cogeneration);

31 (c) Verified carbon credits traded on a recognized trading
32 authority or exchange; or

33 (d) Enforceable and permanent reductions in carbon dioxide or
34 carbon dioxide equivalents through process change, equipment
35 shutdown, or other activities under the control of the applicant and
36 approved as part of a carbon dioxide mitigation plan.

37 (13) "Order of approval" means an order issued under RCW
38 (~~(70.94.152)~~) 70A.15.2210 with respect to a fossil-fueled thermal
39 electric generation facility subject to RCW 80.70.020(1) (b) or (d).

1 (14) "Permanent" means that emission reductions used to offset
2 emission increases are assured for the life of the corresponding
3 increase, whether unlimited or limited in duration.

4 (15) "Qualified alternative energy resource" has the same meaning
5 as in RCW 19.29A.090.

6 (16) "Station generating capability" means the maximum load a
7 generator can sustain over a given period of time without exceeding
8 design limits, and measured using maximum continuous electric
9 generation capacity, less net auxiliary load, at average ambient
10 temperature and barometric pressure.

11 (17) "Total carbon dioxide emissions" means:

12 (a) For a fossil-fueled thermal electric generation facility
13 described under RCW 80.70.020(1) (a) and (b), the amount of carbon
14 dioxide emitted over a thirty-year period based on the manufacturer's
15 or designer's guaranteed total net station generating capability, new
16 equipment heat rate, an assumed sixty percent capacity factor for
17 facilities under the council's jurisdiction or sixty percent of the
18 operational limitations on facilities subject to an order of
19 approval, and taking into account any enforceable limitations on
20 operational hours or fuel types and use; and

21 (b) For a fossil-fueled thermal electric generation facility
22 described under RCW 80.70.020(1) (c) and (d), the amount of carbon
23 dioxide emitted over a thirty-year period based on the proposed
24 increase in the amount of electrical output of the facility that
25 exceeds the station generation capability of the facility prior to
26 the applicant applying for certification or an order of approval
27 pursuant to RCW 80.70.020(1) (c) and (d), new equipment heat rate, an
28 assumed sixty percent capacity factor for facilities under the
29 council's jurisdiction or sixty percent of the operational
30 limitations on facilities subject to an order of approval, and taking
31 into account any enforceable limitations on operational hours or fuel
32 types and use.

33 **Sec. 99.** RCW 80.70.040 and 2004 c 224 s 4 are each amended to
34 read as follows:

35 (1) The carbon dioxide mitigation option that provides for direct
36 investment shall be implemented through mitigation projects conducted
37 directly by, or under the control of, the certificate holder or order
38 of approval holder.

1 (2) Mitigation projects must be approved by the council,
2 department, or authority, as appropriate, and made a condition of the
3 proposed and final site certification agreement or order of approval.
4 Direct investment mitigation projects shall be approved if the
5 mitigation projects provide a reasonable certainty that the
6 performance requirements of the mitigation projects will be achieved
7 and the mitigation projects were implemented after July 1, 2004. No
8 certificate holder or order of approval holder shall be required to
9 make direct investments that would exceed the cost of making a lump
10 sum payment to a third party, had the certificate holder or order of
11 approval holder chosen that option under RCW 80.70.020.

12 (3) Mitigation projects must be fully in place within a
13 reasonable time after the start of commercial operation. Failure to
14 implement an approved mitigation plan is subject to enforcement under
15 chapter 80.50 or ((70.94)) 70A.15 RCW.

16 (4) The certificate holder or order of approval holder may not
17 use more than twenty percent of the total funds for the selection,
18 monitoring, and evaluation of mitigation projects and the management
19 and enforcement of contracts.

20 (5)(a) For facilities under the jurisdiction of the council, the
21 implementation of a carbon dioxide mitigation project, other than
22 purchase of a carbon credit shall be monitored by an independent
23 entity for conformance with the performance requirements of the
24 carbon dioxide mitigation plan. The independent entity shall make
25 available the mitigation project monitoring results to the council.

26 (b) For facilities under the jurisdiction of the department or
27 authority pursuant to RCW 80.70.020(1) (b) or (c), the implementation
28 of a carbon dioxide mitigation project, other than a purchase of
29 carbon dioxide equivalent emission reduction credits, shall be
30 monitored by the department or authority issuing the order of
31 approval.

32 (6) Upon promulgation of federal requirements for carbon dioxide
33 mitigation for fossil-fueled thermal electric generation facilities,
34 those requirements may be deemed by the council, department, or
35 authority to be equivalent and a replacement for the requirements of
36 this section.

37 **Sec. 100.** RCW 81.04.010 and 2007 c 234 s 4 are each amended to
38 read as follows:

1 As used in this title, unless specially defined otherwise or
2 unless the context indicates otherwise:

3 (1) "Commission" means the utilities and transportation
4 commission.

5 (2) "Commissioner" means one of the members of such commission.

6 (3) "Corporation" includes a corporation, company, association,
7 or joint stock association.

8 (4) "Low-level radioactive waste site operating company" includes
9 every corporation, company, association, joint stock association,
10 partnership, and person, their lessees, trustees, or receivers
11 appointed by any court whatsoever, owning, operating, controlling, or
12 managing a low-level radioactive waste disposal site or sites located
13 within the state of Washington.

14 (5) "Low-level radioactive waste" means low-level waste as
15 defined by RCW ((~~43.145.010~~)) 70A.380.010.

16 (6) "Person" includes an individual, a firm, or copartnership.

17 (7) "Street railroad" includes every railroad by whatsoever power
18 operated, or any extension or extensions, branch or branches thereof,
19 for public use in the conveyance of persons or property for hire,
20 being mainly upon, along, above, or below any street, avenue, road,
21 highway, bridge, or public place within any one city or town, and
22 includes all equipment, switches, spurs, tracks, bridges, right of
23 trackage, subways, tunnels, stations, terminals, and terminal
24 facilities of every kind used, operated, controlled, or owned by or
25 in connection with any such street railroad, within this state.

26 (8) "Street railroad company" includes every corporation,
27 company, association, joint stock association, partnership, and
28 person, their lessees, trustees, or receivers appointed by any court
29 whatsoever, and every city or town, owning, controlling, operating,
30 or managing any street railroad or any cars or other equipment used
31 thereon or in connection therewith within this state.

32 (9) "Railroad" includes every railroad, other than street
33 railroad, by whatsoever power operated for public use in the
34 conveyance of persons or property for hire, with all facilities and
35 equipment, used, operated, controlled, or owned by or in connection
36 with any such railroad.

37 (10) "Railroad company" includes every corporation, company,
38 association, joint stock association, partnership, or person, their
39 lessees, trustees, or receivers appointed by any court whatsoever,
40 owning, operating, controlling, or managing any railroad or any cars

1 or other equipment used thereon or in connection therewith within
2 this state.

3 (11) "Common carrier" includes all railroads, railroad companies,
4 street railroads, street railroad companies, commercial ferries,
5 motor freight carriers, auto transportation companies, charter party
6 carriers and excursion service carriers, private nonprofit
7 transportation providers, solid waste collection companies, household
8 goods carriers, hazardous liquid pipeline companies, and every
9 corporation, company, association, joint stock association,
10 partnership, and person, their lessees, trustees, or receivers
11 appointed by any court whatsoever, and every city or town, owning,
12 operating, managing, or controlling any such agency for public use in
13 the conveyance of persons or property for hire within this state.

14 (12) "Vessel" includes every species of watercraft, by whatsoever
15 power operated, for public use in the conveyance of persons or
16 property for hire over and upon the waters within this state,
17 excepting all towboats, tugs, scows, barges, and lighters, and
18 excepting rowboats and sailing boats under twenty gross tons burden,
19 open steam launches of five tons gross and under, and vessels under
20 five tons gross propelled by gas, fluid, naphtha, or electric motors.

21 (13) "Commercial ferry" includes every corporation, company,
22 association, joint stock association, partnership, and person, their
23 lessees, trustees, or receivers, appointed by any court whatsoever,
24 owning, controlling, leasing, operating, or managing any vessel over
25 and upon the waters of this state.

26 (14) "Transportation of property" includes any service in
27 connection with the receiving, delivery, elevation, transfer in
28 transit, ventilation, refrigeration, icing, storage, and handling of
29 the property transported, and the transmission of credit.

30 (15) "Transportation of persons" includes any service in
31 connection with the receiving, carriage, and delivery of persons
32 transported and their baggage and all facilities used, or necessary
33 to be used in connection with the safety, comfort, and convenience of
34 persons transported.

35 (16) "Public service company" includes every common carrier.

36 (17) The term "service" is used in this title in its broadest and
37 most inclusive sense.

38 **Sec. 101.** RCW 81.88.160 and 2020 c 32 s 3 are each amended to
39 read as follows:

(1) Beginning March 15, 2021, and on an annual basis thereafter, each gas pipeline company must submit a report to the commission that includes:

(a) The total number of known leaks in pipelines owned by the gas pipeline company as of January 1st of the year the report is submitted;

(b) The total number of hazardous leaks eliminated or repaired during the previous one-year period ending December 31st;

(c) The total number of nonhazardous leaks eliminated or repaired during the previous one-year period ending December 31st;

(d) The total number of leaks scheduled for repair in the next one-year period beginning January 1st of the year the report is submitted. The data provided in this subsection (1)(d) does not obligate the gas pipeline company to repair all leaks scheduled for repair, nor does it prevent the gas pipeline company from prioritizing its repair schedule based on new information and newly-identified leaks.

(2) Natural gas leaks include all confirmed discoveries of unintentional leak events, including leaks from: Corrosion failure; natural force damage; excavation damage; other outside force damage; pipe, weld, or joint failure; equipment failure; or other causes.

(3) The commission may determine information requirements for the annual reports submitted under subsection (1) of this section including, but not limited to:

(a) The approximate date and location of each leak from the gas pipeline system detected by the company during its routine course of inspection;

(b) The approximate date and location of each leak caused by third-party excavation or other causes not attributable to the normal operation or inspection practices of the company;

(c) Whether the reported leaks are included as part of a filing submitted and approved by the commission under RCW 80.28.420;

(d) The volume of each leak, measured in carbon dioxide equivalents and thousands of cubic feet, except that where an exact volume of gas leaked cannot be identified, a gas pipeline company may provide its best approximation;

(e) Whether the identified cause of each leak was from: Corrosion failure; natural force damage; excavation damage; other outside force damage; pipe, weld, or joint failure; equipment failure; or other causes;

1 (f) The estimated market value of lost gas and the methodology
2 used to measure the loss of gas; and

3 (g) Any additional information required in an order approved by
4 the commission.

5 (4) The commission must use the data reported by gas pipeline
6 companies under this section, as well as other data reported by gas
7 pipeline companies to the commission and to the department of
8 ecology, to estimate the volume of leaked gas and associated
9 greenhouse gas emissions from operational practices in the state. The
10 commission may request additional information by order.

11 (5) By March 31, 2021, and on an annual basis thereafter, the
12 commission must provide on its public internet web site aggregate
13 data, as submitted by gas pipeline companies under this section,
14 concerning the volume and causes of gas leaks.

15 (6) By March 31, 2021, and on an annual basis thereafter, the
16 commission must transmit to the department of ecology information on
17 gas leakage in the state, as submitted by gas pipeline companies
18 under this section.

19 (7) Those portions of reports submitted by gas pipeline companies
20 to the commission under this section that contain proprietary data,
21 trade secrets, or if disclosure would adversely affect public safety,
22 are exempt from public inspection and copying under chapter 42.56
23 RCW.

24 (8) For the purposes of this section, "carbon dioxide
25 equivalents" has the same meaning as provided in RCW (~~70.235.010~~)
26 70A.45.010.

27 (9) Nothing in this section may be construed to preempt the
28 process by which a gas pipeline company is required to petition
29 relevant state or local authorities when seeking to expand the
30 capacity of the company's gas transmission or distribution lines.

31 **Sec. 102.** RCW 90.44.105 and 1997 c 446 s 1 are each amended to
32 read as follows:

33 Upon the issuance by the department of an amendment to the
34 appropriate permit or certificate of groundwater right, the holder of
35 a valid right to withdraw public groundwaters may consolidate that
36 right with a groundwater right exempt from the permit requirement
37 under RCW 90.44.050, without affecting the priority of either of the
38 water rights being consolidated. Such a consolidation amendment shall
39 be issued only after publication of a notice of the application, a

comment period, and a determination made by the department, in lieu of meeting the conditions required for an amendment under RCW 90.44.100, that: (1) The exempt well taps the same body of public groundwater as the well to which the water right of the exempt well is to be consolidated; (2) use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate; (3) legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land; (4) the exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department; and (5) other existing rights, including ground and surface water rights and minimum streamflows adopted by rule, shall not be impaired. The notice shall be published by the applicant in a newspaper of general circulation in the county or counties in which the wells for the rights to be consolidated are located once a week for two consecutive weeks. The applicant shall provide evidence of the publication of the notice to the department. The comment period shall be for thirty days beginning on the date the second notice is published.

The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, and shall not exceed five thousand gallons per day. The department shall presume that an amount identified by the applicant as being the average withdrawal from the well during the most recent five-year period is accurate if the applicant establishes that the amount identified for the use or uses of water from the exempt well is consistent with the average amount of water used for similar use or uses in the general area in which the exempt well is located. The department shall develop, in consultation with the department of health, a schedule of average household and small-area landscaping water usages in various regions of the state to aid the department and applicants in identifying average amounts used for

1 these purposes. The presumption does not apply if the department
2 finds credible evidence of nonuse of the well during the required
3 period or credible evidence that the use of water from the exempt
4 well or the intensity of the use of the land supported by water from
5 the exempt well is substantially different than such uses in the
6 general area in which the exempt well is located. The department
7 shall also accord a presumption in favor of approval of such
8 consolidation if the requirements of this subsection are met and the
9 discontinuance of the exempt well is consistent with an adopted
10 coordinated water system plan under chapter ~~((70.116))~~ 70A.100 RCW,
11 an adopted comprehensive land use plan under chapter 36.70A RCW, or
12 other comprehensive watershed management plan applicable to the area
13 containing an objective of decreasing the number of existing and
14 newly developed small groundwater withdrawal wells. The department
15 shall provide a priority to reviewing and deciding upon applications
16 subject to this subsection, and shall make its decision within sixty
17 days of the end of the comment period following publication of the
18 notice by the applicant or within sixty days of the date on which
19 compliance with the state environmental policy act, chapter 43.21C
20 RCW, is completed, whichever is later. The applicant and the
21 department may by prior mutual agreement extend the time for making a
22 decision.

23 **Sec. 103.** RCW 26.51.020 and 2020 c 311 s 2 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Abusive litigation" means litigation where the following
28 apply:

29 (a)(i) The opposing parties have a current or former intimate
30 partner relationship;

31 (ii) The party who is filing, initiating, advancing, or
32 continuing the litigation has been found by a court to have committed
33 domestic violence against the other party pursuant to: (A) An order
34 entered under ~~((this))~~ chapter 26.50 RCW; (B) a parenting plan with
35 restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining
36 order entered under chapter 26.09, 26.26, or 26.26A RCW, provided
37 that the issuing court made a specific finding that the restraining
38 order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 26.50.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: ~~((i)-(a))~~ (a) Filing a summons, complaint, demand, or petition; ~~((ii)-(b))~~ (b) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; ~~((iii)-(c))~~ (c) filing a motion, notice of court date, note for motion docket, or order to appear; ~~((iv)-(d))~~ (d) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; ~~((v)-(e))~~ (e) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or ~~((vi)-(f))~~ (f) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

Sec. 104. RCW 11.130.040 and 2020 c 312 s 303 are each amended to read as follows:

(1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of

1 appointment and filing of any required bond or compliance with any
2 other verified receipt required by the court.

3 (3) Limitations on the powers of a guardian or conservator or on
4 the property subject to conservatorship must be included on the form
5 prescribed by RCW 11.130.660.

6 (4) The court at any time may limit the powers conferred on a
7 guardian or conservator. The court shall issue new letters of office
8 to reflect the limitation.

9 (5) A guardian or conservator may not act on behalf of a person
10 under guardianship or conservatorship without valid letters of
11 office.

12 (6) The clerk of the superior court shall issue letters of
13 guardianship or conservatorship in or substantially in the same form
14 as set forth in RCW 11.130.660.

15 (7) Letters of office issued to a guardian or conservator who is
16 a nonresident of this state must include the name and contact
17 information for the resident agent of the guardian or conservator,
18 appointed pursuant to RCW 11.130.090(1)(c).

19 (8) This chapter does not affect the validity of letters of
20 office issued under chapter 11.88 RCW prior to January 1, ((2021))
21 2022.

22 **Sec. 105.** RCW 11.130.245 and 2020 c 312 s 111 are each amended
23 to read as follows:

24 (1) This chapter does not affect the validity of any court order
25 issued under chapter 26.10 RCW prior to ((January 1, 2021)) the
26 repeal of chapter 26.10 RCW. Orders issued under chapter 26.10 RCW
27 prior to ((January 1, 2021)) the repeal of chapter 26.10 RCW, remain
28 in effect and do not need to be reissued in a new order under this
29 chapter.

30 (2) All orders issued under chapter 26.10 RCW prior to the
31 effective date of chapter 437, Laws of 2019 remain operative after
32 the effective date of chapter 437, Laws of 2019. After the effective
33 date of chapter 437, Laws of 2019, if an order issued under chapter
34 26.10 RCW is modified, the modification is subject to the
35 requirements of this chapter.

36 **Sec. 106.** RCW 11.130.670 and 2020 c 312 s 225 are each amended
37 to read as follows:

1 (1) The certified professional guardianship board must resolve
2 grievances against professional guardians and/or conservators within
3 a reasonable time for alleged violations of the certified
4 professional guardianship board's standards of practice, statutes,
5 regulations, or rules, that relate to the conduct of a certified
6 professional guardian or conservator.

7 (a) All grievances must initially be reviewed within thirty days
8 by certified professional guardianship board members, or a subset
9 thereof, to determine if the grievance is complete, states facts that
10 describe a violation of the standards of practice, statutes,
11 regulations, or rules, and relates to the conduct of a professional
12 guardian and/or conservator, before investigating, requesting a
13 response from the professional guardian or conservator, or forwarding
14 to the superior courts. To be complete, grievances must provide
15 sufficient details of the alleged conduct to demonstrate that a
16 violation of the statute, regulation, standard of practice, or rule,
17 relating to the conduct of a certified professional guardian or
18 conservator could have occurred, the dates the alleged conduct
19 occurred, and must be signed and dated by the person filing the
20 grievance. Grievance investigations by the board are limited to the
21 allegations contained in the grievance unless, after review by a
22 majority of the members of the certified professional guardianship
23 board, further investigation is justified.

24 (b) If the certified professional guardianship board determines
25 the grievance is complete, states facts that allege a violation of
26 the certified professional guardianship board's standards of
27 practice, and relates to the conduct of a professional guardian
28 and/or conservator, the certified professional guardianship board
29 must forward that grievance within ten days to the superior court for
30 that guardianship or conservatorship and to the professional guardian
31 and/or conservator. The court must review the matter as set forth in
32 RCW 11.130.140, and must direct the clerk of the court to send a copy
33 of the order entered under this section to the certified professional
34 guardianship board. The certified professional guardianship board
35 must accept as facts any finding of fact contained in the order. The
36 certified professional guardianship board must act consistently with
37 any finding of fact issued in that order.

38 (2) Grievances received by the certified professional
39 guardianship board must be investigated and the resolution determined

1 and in process within one hundred eighty days of receipt. The one
2 hundred eighty days is tolled during any period of time when:

3 (a) The certified professional guardianship board has provided a
4 certified professional guardian or conservator an opportunity to
5 respond to a grievance against the certified professional guardian or
6 conservator and the certified professional guardianship board is
7 awaiting the certified professional guardian or conservator's
8 response;

9 (b) The certified professional guardianship board has forwarded a
10 grievance to the superior court for review under subsection (1)(b) of
11 this section and is awaiting receipt of the court's entered order
12 with findings; or

13 (c) A certified professional guardianship board disciplinary
14 hearing has been requested or is in process and during the time of
15 posthearing board review of the hearing officer's recommendations
16 through issuance of a final certified professional guardianship
17 board's order on the matter.

18 (3) If the grievance cannot be resolved within one hundred eighty
19 days, the certified professional guardianship board must notify the
20 professional guardian and/or conservator. The professional guardian
21 or conservator may propose a resolution of the grievance with facts
22 and/or arguments. The certified professional guardianship board may
23 accept the proposed resolution or determine that an additional ninety
24 days are needed to review the grievance. If the certified
25 professional guardianship board has not resolved the grievance within
26 the additional ninety days the professional guardian or conservator
27 may:

28 (a) File a motion for a court order to compel the certified
29 professional guardianship board to resolve the grievance within a
30 reasonable time; or

31 (b) Move for the superior court to resolve the grievance instead
32 of being resolved by the certified professional guardianship board.

33 (4) The superior court has authority to enforce the certified
34 professional guardianship board's standards of practice in this
35 article to the extent those standards are related to statutory or
36 fiduciary duties of guardians and conservators.

37 (5) Any unresolved grievances filed with the certified
38 professional guardianship board one year or more before January 1,
39 ((2021)) 2022, must be forwarded to the superior court for that
40 guardianship or conservatorship for review by the superior court as

1 set forth in RCW 11.130.140 if the grievance is not in process of a
2 hearing or final resolution.

3 **Sec. 107.** RCW 11.130.910 and 2019 c 437 s 804 are each amended
4 to read as follows:

5 This chapter applies to:

6 (1) A proceeding for appointment of a guardian or conservator or
7 for a protective arrangement instead of guardianship or
8 conservatorship commenced after January 1, ((2021)) 2022; and

9 (2) A guardianship, conservatorship, or protective arrangement
10 instead of a guardianship or conservatorship in existence on January
11 1, ((2021)) 2022, unless the court finds application of a particular
12 provision of chapter 437, Laws of 2019 would substantially interfere
13 with the effective conduct of the proceeding or prejudice the rights
14 of a party, in which case the particular provision of chapter 437,
15 Laws of 2019 does not apply and the superseded law applies.

16 NEW SECTION. **Sec. 108.** Sections 106 and 107 of this act take
17 effect January 1, 2022.

Passed by the House March 9, 2021.

Passed by the Senate April 6, 2021.

Approved by the Governor April 16, 2021.

Filed in Office of Secretary of State April 16, 2021.

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