Chapter 43.330 RCW
DEPARTMENT OF COMMERCE

(Formerly: Department of community, trade, and economic development)

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RCW 43.330.005 Findings. The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a department of commerce that fosters new partnerships for strong and sustainable communities. The mission of the department is to grow and improve jobs in Washington and facilitate innovation. To carry out its mission, the department will bring together focused efforts to: Streamline access to business assistance and economic development services by providing them through sector-based, cluster-based, and regional partners; provide focused and flexible responses to changing economic conditions; generate greater local capacity to respond to both economic growth and environmental challenges; increase accountability to the public, the executive branch, and the legislature; manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; and construct public infrastructure.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in creating the department to maximize the use of local expertise and resources in the delivery of community and economic development services. [2010 c 271 s 2; 1993 c 280 s 1.]

Purpose—2010 c 271: "In 2009, the legislature changed the name of the department of community, trade, and economic development to the department of commerce and directed the agency to, among other things, develop a report with recommendations on statutory changes to ensure that the department's efforts: Are organized around a concise core mission and aligned with the state's comprehensive plan for economic development; generate greater local capacity; maximize results through partnerships and the use of intermediaries; and provide transparency and increased accountability. Recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission were to be included in the report.

In accordance with that legislation, chapter 565, Laws of 2009, in November 2009 the department of commerce submitted a plan that establishes a mission of growing and improving jobs in the state and recognizes the need for an innovation-driven economy. The plan also outlines agency priorities, efficiencies, and program transfers that will help to advance the new mission.

The primary purpose of this act is to implement portions of the department of commerce plan by transferring certain programs from the

department of commerce to other state agencies whose missions are more closely aligned with the core functions of those programs. This act also directs additional efficiencies in state government and directs development of a statewide clean energy strategy, which will better enable the department of commerce to focus on its new mission." [2010 c 271 s 1.]

Effective date—2010 c 271: "This act takes effect July 1, 2010." [2010 c 271 s 803.]

RCW 43.330.007 Management responsibility. (1) The purpose of this chapter is to establish the broad outline of the structure of the department of commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the department and is intended to provide flexibility to the director to reorganize these functions to more closely reflect its customers, its mission, and its priorities, and to make recommendations for changes.

(2) In order to generate greater local capacity, maximize results through partnerships and the use of intermediaries, and leverage the use of state resources, the department shall, in carrying out its business assistance and economic development functions, provide business and economic development services primarily through sector-based, cluster-based, and regionally based organizations rather than providing assistance directly to individual firms. [2010 c 271 s 3; 2009 c 565 s 1; 1993 c 280 s 2.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

Implementation plan—1994 c 5; 1993 c 280: "(1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the *department of community, trade, and economic development so that the department will operate as a single entity on March 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department including a strategic plan for each major program area that includes implementation steps, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions to and from other departments;

(c) Implementation steps necessary to bring about operation of the combined department as a single entity;

(d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and

(e) Strategies for coordinating and maximizing federal, state, local, international, and private sector support for community and economic development efforts within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, small and large businesses, labor unions, associate development organizations, low-income housing interests, housing industry, Indian tribes, community action programs, public safety groups, nonprofit community and development organizations, international trade organizations, minority and women business organizations, and any other organizations the directors determine should have input to the plan." [1994 c 5 s 1; 1993 c 280 s 8.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

RCW 43.330.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department of commerce.

(4) "Family resource center" means a unified single point of entry where families, individuals, children, and youth in communities can obtain information, an assessment of needs, referral to, or direct delivery of family services in a manner that is welcoming and strength-based.

(a) A family resource center is designed to meet the needs, cultures, and interests of the communities that the family resource center serves.

(b) Family services may be delivered directly to a family at the family resource center by family resource center staff or by providers who contract with or have provider agreements with the family resource center. Any family resource center that provides family services shall comply with applicable state and federal laws and regulations regarding the delivery of such family services, unless required waivers or exemptions have been granted by the appropriate governing body.

(c) Each family resource center shall have one or more family advocates who screen and assess a family's needs and strengths. If requested by the family, the family advocate shall assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working towards a greater level of self-reliance or in attaining self-sufficiency.

(5) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(6) "Frontier county" means a county with a population density of fewer than 50 persons per square mile as determined by the office of financial management and published each year by the department. A county with a population density of 21 or fewer persons per square

mile is a "frontier one" county. A county with a population density of more than 21 but fewer than 50 persons per square mile is a "frontier two" county. Every frontier county is also a rural county under this chapter and eligible for all benefits, services, and programs of a rural county unless a frontier county is specifically excluded in the authorizing statute.

(7) "Small business" has the same meaning as provided in RCW 39.26.010. [2024 c 47 s 2; 2021 c 39 s 3; 2014 c 112 s 401; 2011 c 286 s 4; 2009 c 565 s 2; 2007 c 322 s 2; 1993 c 280 s 3.]

Intent—Findings—2021 c 39: See note following RCW 74.14C.010.

Findings—Purpose—Intent—2007 c 322: "(1) The legislature finds that:

(a) Microenterprises are an important portion of Washington's economy, providing approximately twenty percent of the employment in Washington and playing a vital role in job creation.

(b) While community-based microenterprise development organizations have expanded their assistance to their microentrepreneur customers in recent years, there remains a lack of access to capital, training, and technical assistance for low-income microentrepreneurs.

(c) Support for microenterprise development offers a means to expand business and job creation in low-income communities in both rural and urban areas of the state.

(d) Local and state charitable foundation support, federal program funding, and private sector support can be leveraged by a statewide program for development of microenterprises.

(2) It is the purpose of this act to assist microenterprises in job creation by increasing the training, technical assistance, and financial resources available to microenterprises. It is the intention of the legislature to carry out this purpose by enabling the *department of community, trade, and economic development to contract with a statewide microenterprise association with the potential to provide organizational support and administer grants to local microenterprise development organizations, subject to the requirements of this act, and to leverage additional funds from sources other than moneys appropriated from the general fund." [2007 c 322 s 1.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

RCW 43.330.020 Department created. A department of commerce is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided, the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation. [2009 c 565 s 3; 1993 c 280 s 4.]

RCW 43.330.030 Director—Appointment—Salary. The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall

serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. [1993 c 280 s 5.]

RCW 43.330.040 Director powers and duties. (1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The department must track the amount of federal economic development funding received and disbursed along with any required state, local, or other matching requirements and annually provide the information to the economic development committees of the house of representatives and the senate.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and

nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law. [2016 sp.s. c 12 s 1; 1993 c 280 s 6.]

RCW 43.330.050 Community and economic development responsibilities. The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature. To maximize the impact of federal funding for economic development, the department must coordinate with federal and state public research facilities to leverage other federal funding coming to the state for research, development, innovation of new technologies, and transfer of technology to the private sector to promote business development and jobs in Washington;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional

planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate. [2016 sp.s. c 12 s 2; 2014 c 112 s 110; 2005 c 136 s 12; 1993 c 280 s 7.]

Savings—Effective date—2005 c 136: See notes following RCW 43.168.020.

RCW 43.330.060 Trade and business responsibilities. (1) The department shall (a) assist in expanding the state's role as an international center of trade, culture, and finance; (b) promote and market the state's products and services both nationally and internationally; (c) work in close cooperation with other private and public international trade efforts; (d) act as a centralized location for the assimilation and distribution of trade information; and (e) establish and operate foreign offices promoting overseas trade and commerce.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in workforce training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools; by assisting in targeting and improving the efficiency of existing investment mechanisms; and by assisting in the procurement of managerial and technical assistance necessary to attract potential investors.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to entrepreneurial success. The department shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. Instruction shall be offered in major population centers throughout the state at times and locations that are convenient for minority and women small business owners.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the department, in conjunction with the small business development center, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the department and the center may consult with the Washington state microenterprise association, and with other government, nonprofit, and private organizations as necessary. The plan must identify:

(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;

(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;

(iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and

(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.

(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The department and the center must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting. [2010 c 165 s 2; 2005 c 136 s 13; 1993 c 280 s 9.]

Findings—Intent—2010 c 165: "The legislature finds that small businesses and entrepreneurs are a fundamental source of economic and community vitality for our state. They employ state residents, pay state taxes, purchase goods and services from local and regional companies, and contribute to our communities in many other ways. The legislature finds that small businesses and entrepreneurs need increased access to capital and technical assistance in order to maximize their potential. The legislature intends that the department of commerce and the small business development center each build upon their existing relevant statutory missions and authorities by collaborating on a specific plan to expand services to small businesses and entrepreneurs beginning in the 2011-2013 biennium." [2010 c 165 s 1.]

Savings—Effective date—2005 c 136: See notes following RCW 43.168.020.

Tacoma world trade center—1993 c 134: "The legislature recognizes that export opportunities for small and medium-sized businesses stimulates economic growth. Within current resources, the department of trade and economic development shall work with the Tacoma world trade center, to assist small and medium-sized businesses with export opportunities." [1993 c 134 s 1.]

RCW 43.330.062 Recruitment and retention of business—Protocols for associate development organizations and department staff. In carrying out its responsibilities under RCW 43.330.060 and 43.330.080,

the department must establish protocols to be followed by associate development organizations and department staff for the recruitment and retention of businesses. The protocols must specify the circumstances under which an associate development organization is required to notify the department of its business recruitment and retention efforts and when the department must notify the associate development organization of its business recruitment and retention efforts. The protocols established may not require the release of proprietary information or the disclosure of information that a client company has requested remain confidential. The department must require compliance with the protocols in its contracts with associate development organizations. [2011 c 286 s 1.]

RCW 43.330.068 International companies investing in Washington—Eligibility for excise tax incentives. An international company investing in Washington is included within the definition of person in RCW 82.04.030 and is eligible for excise tax incentives provided in Title 82 RCW in the same manner as any domestic company. [2005 c 135 s 2.]

Finding—Intent—2005 c 135: "The legislature finds that many international companies with an interest in operating in Washington are not aware of the various tax incentives that are available. It is the intent of the legislature to ensure that these international companies understand that they are eligible for these business and occupation tax and sales and use tax deferrals when investing in Washington. It is the further intent of the legislature that the *department of community, trade, and economic development and associate development organizations make clear to international companies that they are eligible for the state's various tax incentives." [2005 c 135 s 1.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

RCW 43.330.070 Local development capacity—Training and technical assistance. (1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities. To the extent funding is made available for this purpose, the department shall provide technical assistance or enter into contracts to provide technical assistance to assist local communities in developing competitive applications for federal funding.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance. [2024 c 223 s 2; 1993 c 280 s 10.]

Findings—Intent—2024 c 223: "The legislature finds that Washington ranks poorly among all states in the amount of federal grants received relative to income taxes collected from its residents.

The legislature also finds that many of Washington's communities, particularly in slow-growing rural areas, face an economic development "chicken and egg" dilemma in which they need to secure matching dollars in order to obtain federal economic development dollars that would increase the local tax base, local revenue, and local employment and incomes.

The legislature further finds that recent federal legislation provides funding for economic development clusters that Washington state has invested in as part of its economic development strategy, including broadband and clean energy, buildings, and transportation. The federal legislation includes the infrastructure investment and jobs act, P.L. 117-58, the creating helpful incentives to produce semiconductors and science act, P.L. 117-167, and the inflation reduction act, P.L. 117-169.

The legislature further finds that increasing the availability of federal grant dollars in local communities provides a benefit of a reasonably general character to a significant part of the public.

Therefore, the legislature intends to continue and expand its efforts to increase the capacity of the department of commerce to assist local communities in successfully applying for federal grant dollars including through providing local communities with state matching funds for securing federal grants." [2024 c 223 s 1.]

RCW 43.330.075 Local government regulation and policy handouts—Technical assistance. The department shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under RCW 36.70B.220. [1996 c 206 s 11.]

Findings—1996 c 206: See note following RCW 43.05.030.

RCW 43.330.080 Coordination of community and economic development services—Contracts with county-designated associate development organizations—Scope of services—Business services training. (1)(a) The department must contract with county-designated associate development organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The contracting organizations in each community or regional area must:

(i) Be broadly representative of community and economic interests;

(ii) Be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives;

(iii) Work closely with the department to carry out state-identified economic development priorities;

(iv) Work with and include local governments, local chambers of commerce, workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups; and

(v) Meet and share best practices with other associate development organizations at least two times each year.

(b) The scope of services delivered under the contracts required in (a) of this subsection must include two broad areas of work:

(i) Direct assistance, including business planning, to companies throughout the county who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance must comply with business recruitment and retention protocols established in RCW 43.330.062, and includes:

(A) Working with the appropriate partners throughout the county including, but not limited to, local governments, workforce development councils, port districts, community and technical colleges and higher education institutions, export assistance providers, impact Washington, the Washington state quality award council, small business assistance programs, innovation partnership zones, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services within the entire county;

(B) Providing information on state and local permitting processes, tax issues, export assistance, and other essential information for operating, expanding, or locating a business in Washington;

(C) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

(D) Working with businesses on-site location and selection assistance;

(E) Providing business retention and expansion services throughout the county. Such services must include, but are not limited to, business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses, assistance to trade impacted businesses in applying for grants from the federal trade adjustment assistance for firms program, and the provision of information to businesses on:

(I) Resources available for microenterprise development;

(II) Resources available on the revitalization of commercial districts; and

(III) The opportunity to maintain jobs through shared work programs authorized under chapter 50.60 RCW;

(F) Participating in economic development systemwide discussions regarding gaps in business start-up assistance in Washington;

(G) Providing or facilitating the provision of export assistance through workshops or one-on-one assistance; and

(H) Using a web-based information system to track data on business recruitment, retention, expansion, and trade; and

(ii) Support for regional economic research and regional planning efforts to implement target industry sector strategies and other economic development strategies, including cluster-based strategies. Research and planning efforts should support increased living standards and increased foreign direct investment, and be aligned with the statewide economic development strategy. Regional associate development organizations retain their independence to address local concerns and goals. Activities include:

(A) Participating in regional planning efforts with workforce development councils involving coordinated strategies around workforce development and economic development policies and programs. Coordinated planning efforts must include, but not be limited to, assistance to industry clusters in the region;

(B) Participating with the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in the coordination of the job skills training program and the customized training program within its region;

(C) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

(D) In conjunction with other governmental jurisdictions and institutions, participating in the development of a countywide economic development plan.

(2) The department must provide business services training to the contracting organizations, including but not limited to:

(a) Training in the fundamentals of export assistance and the services available from private and public export assistance providers in the state; and

(b) Training in the provision of business retention and expansion services as required by subsection (1)(b)(i)(E) of this section. [2014 c 112 s 111; 2012 c 195 s 1; 2011 c 286 s 2; 2009 c 151 s 10; 2007 c 249 s 2; 1997 c 60 s 1; 1993 c 280 s 11.]

Findings—Intent—2007 c 249: "The legislature finds that economic development success requires coordinated state and local efforts. The legislature further finds that economic development happens at the local level. County-designated associate development organizations serve as a networking tool and resource hub for business retention, expansion, and relocation in Washington. Economic development success requires an adequately funded and coordinated state effort and an adequately funded and coordinated local effort. The legislature

intends to bolster the partnership between state and local economic development efforts, provide increased funding for local economic development services, and increase local economic development service effectiveness, efficiency, and outcomes." [2007 c 249 s 1.]

RCW 43.330.082 Contracting associate development organizations—Performance measures and summary of best practices—Remediation plans—Report. (1) Contracting associate development organizations must provide the department with measures of their performance and a summary of best practices shared and implemented by the contracting organizations. Annual reports must include the following information to show the contracting organization's impact on employment and overall changes in employment: Current employment and economic information for the community or regional area produced by the employment security department; the net change from the previous year's employment and economic information using data produced by the employment security department; other relevant information on the community or regional area; the amount of funds received by the contracting organization through its contract with the department; the amount of funds received by the contracting organization through all sources; and the contracting organization's impact on employment through all funding sources. Annual reports may include the impact of the contracting organization on wages, exports, tax revenue, small business creation, foreign direct investment, business relocations, expansions, terminations, and capital investment. Data must be input into a common web-based business information system managed by the department. Specific measures, data standards, and data definitions must be developed in the contracting process between the department and the contracting organization every two years. Performance measures should be consistent across regions to allow for statewide evaluation.

(2)(a) The department and contracting associate development organizations must agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance must occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures must develop remediation plans to address performance gaps. The remediation plans must include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding must be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations must review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department must submit a final report to the appropriate committees of the legislature by December 31st of each even-numbered year on the performance results of the contracts with associate development organizations. [2025 c 392 s 1; 2014 c 112 s 112; 2012 c 195 s 2; 2011 c 286 s 3; 2009 c 518 s 15; 2007 c 249 s 3.]

Findings—Intent—2007 c 249: See note following RCW 43.330.080.

RCW 43.330.084 Washington state quality award—Reimbursement of application fee. Up to five associate development organizations per year contracting with the department under chapter 249, Laws of 2007 that apply for the Washington state quality award or its equivalent shall receive reimbursement for the award application fee, but may not be reimbursed more than once every three years. [2007 c 249 s 4.]

Findings—Intent—2007 c 249: See note following RCW 43.330.080.

RCW 43.330.086 Contracts with associate development organizations—Schedule of awards. To the extent that funds are specifically appropriated therefor, contracts with associate development organizations for the provision of services under RCW 43.330.080(1)(b)(i) shall be awarded according to the following annual schedule:

(1) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to 90 cents per capita, totaling no more than $300,000 per organization; and

(2) For associate development organizations in rural counties, as defined in RCW 82.14.370, a per county base allocation of $40,000 and a locally matched allocation of up to 90 cents per capita.

(3) The locally matched allocation shall not include general fund state, but may include a combination of nonstate funds, cash, or in-kind contributions. [2025 c 392 s 2; 2008 c 131 s 3; 2007 c 249 s 5.]

Effective date—2008 c 131: See note following RCW 43.160.020.

Findings—Intent—2007 c 249: See note following RCW 43.330.080.

RCW 43.330.088 Associate development organizations—Grant program for grant writers. (1) Subject to the availability of amounts appropriated for this specific purpose, by July 1, 2024, the department shall establish a grant program to support associate development organizations in the recruiting, hiring, and retention of grant writers. The department must award grants on an annual basis and must prioritize grants for distressed areas as defined under RCW 43.168.020 and grants for applications for federal funds.

(2) Associate development organizations must apply for the grant program in a manner to be determined by the department.

(3) Associate development organizations that receive awards under this section must provide information on the use of the funds, including a description of the associate development organization's recruiting and hiring efforts and, if applicable, the number and types of grants applied for by the grant writers funded by the state, in their annual reports to the department required under RCW 43.330.082.

(4) Beginning December 31, 2026, the department must include information on grant award funding and use in its reports to the legislature on associate development organizations contracts required under RCW 43.330.082.

(5) The department shall adopt rules to implement this section. [2024 c 223 s 3; 2023 c 311 s 2.]

Findings—Intent—2024 c 223: See note following RCW 43.330.070.

Findings—Intent—2023 c 311: "The legislature finds that access to economic development assistance from government and philanthropic sources typically requires careful and skilled writing of grant applications. The legislature finds that trained and skilled grant writers are scarce, and particularly difficult to find in distressed areas with higher rates of unemployment that need economic development assistance. Therefore, the legislature intends to provide the department of commerce with the authority and resources necessary to ensure each county associate development organization can recruit and retain a grant writer." [2023 c 311 s 1.]

RCW 43.330.090 Economic diversification strategies—Targeted industry sectors—Film and video production. (1) The department shall work with private sector organizations, industry and sector associations, federal agencies, state agencies that use a sector-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry sector-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry sectors targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry sector-based approach to economic development and identifying and assisting additional sectors.

(2) The department's sector-based strategies shall include, but not be limited to, cluster-based strategies that focus on assisting regional industry sectors and related firms and institutions that meet the definition of an industry cluster in this section and based on criteria identified by the working group established in this chapter.

(3)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the general fund.

(4) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current

information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund economic development activities designed to further regional cluster growth. In administering the program, the department shall work with the workforce training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The department shall seek recommendations on criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds. Criteria shall include not duplicating the purpose or efforts of industry skill panels.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Eligible activities include the formation of cluster economic development partnerships, research and analysis of economic development needs of the cluster, the development of a plan to meet the economic development needs of the cluster, and activities to implement the plan.

(v) Priority shall be given to applicants that complement industry skill panels and will use the grant funds to build linkages and joint projects.

(vi) The maximum amount of a grant is one hundred thousand dollars.

(vii) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(viii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(5) As used in this chapter, "industry cluster" means a geographic concentration of interconnected companies in a single industry, related businesses in other industries, including suppliers and customers, and associated institutions, including government and education. [2014 c 112 s 113; 2012 c 198 s 3; 2010 1st sp.s. c 7 s 59; 2009 c 151 s 1; 2007 c 228 s 201; 2006 c 105 s 1; 2005 c 136 s 14; 2003 c 153 s 2; 1998 c 245 s 85; 1994 c 144 s 1; 1993 c 280 s 12.]

Effective date—2012 c 198: See note following RCW 70A.15.5110.

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Savings—Effective date—2005 c 136: See notes following RCW 43.168.020.

Findings—2003 c 153: "The legislature finds that tourism is a growing sector of the Washington economy. Washington has a diverse geography, geology, climate, and natural resources, and offers

abundant opportunities for wildlife viewing. Nature-based tourism is the fastest growing outdoor activity and segment of the travel industry and the state can take advantage of this by marketing Washington's natural assets to international as well as national tourist markets. Expanding tourism efforts can provide Washington residents with jobs and local communities with needed revenues.

The legislature also finds that current efforts to promote Washington's natural resources and nature-based tourism to national and international markets are too diffuse and limited by funding and that a collaborative effort among state and local governments, tribes, and private enterprises can serve to leverage the investments in nature-based tourism made by each." [2003 c 153 s 1.]

Effective date—1994 c 144: "This act shall take effect July 1, 1994." [1994 c 144 s 3.]

RCW 43.330.094 Tourism development and promotion account—Promotion of tourism industry. The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of commerce only for the purposes of expanding and promoting the tourism industry in the state of Washington. During the 2009-2011 fiscal biennium, the legislature may transfer from the tourism development and promotion account to the state general fund such amounts as reflect the excess fund balance of the account. [2011 c 5 s 913; 2009 c 565 s 6; 2007 c 228 s 202; 2003 c 153 s 4; 1997 c 220 s 223 (Referendum Bill No. 48, approved June 17, 1997).]

Effective date—2011 c 5: See note following RCW 43.03.220.

Findings—2003 c 153: See note following RCW 43.330.090.

Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet, election requirements—1997 c 220: See RCW 36.102.800 through 36.102.803.

RCW 43.330.100 Local infrastructure and public facilities—Grants and loans. (1) The department shall support the development and maintenance of local infrastructure and public facilities and provide local communities with flexible sources of funding. The department shall coordinate grant and loan programs that provide infrastructure and investment in local communities. This shall include coordinating funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) At a minimum, the department shall provide coordinated procedures for applying for and tracking grants and loans among and between the community economic revitalization board, the public works trust fund, and community development block grants. [1993 c 280 s 13.]

RCW 43.330.110 Housing—Energy assistance. (1) The department shall maintain an active effort to help communities, families, and individuals build and maintain capacity to meet housing needs in Washington state. The department shall facilitate partnerships among the many entities related to housing issues and leverage a variety of resources and services to produce comprehensive, cost-effective, and innovative housing solutions.

(2) The department shall assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for very low, low, and moderate-income persons; operate programs to assist homeownership, offer housing services, and provide emergency, transitional, and special needs housing services; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor. The department shall develop or assist local governments in developing housing plans required by the state or federal government.

(3) The department shall coordinate and administer energy assistance and residential energy conservation and rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities. [1993 c 280 s 14.]

RCW 43.330.120 Growth management. (1) The department shall serve as the central coordinator for state government in the implementation of the growth management act, chapter 36.70A RCW. The department shall work closely with all Washington communities planning for future growth and responding to the pressures of urban sprawl. The department shall ensure coordinated implementation of the growth management act by state agencies.

(2) The department shall offer technical and financial assistance to cities and counties planning under the growth management act. The department shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.

(3) The department shall provide alternative dispute resolution to jurisdictions and organizations to mediate disputes and to facilitate consistent implementation of the growth management act. The department shall review local governments compliance with the requirements of the growth management act and make recommendations to the governor. [1993 c 280 s 15.]

RCW 43.330.125 Assistance to counties and cities. The department of commerce shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW. [2009 c 565 s 7; 1995 c 347 s 430.]

Finding—Severability—Part headings and table of contents not law—1995 c 347: See notes following RCW 36.70A.470.

RCW 43.330.130 Services to poor and disadvantaged persons—Preschool children—Substance abuse—Family services—Fire protection and emergency management. (1) The department shall coordinate services to communities that are directed to the poor and

disadvantaged through private and public nonprofit organizations and units of general purpose local governments. The department shall coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development efforts that promote self-sufficiency.

(2) These services may include, but not be limited to, comprehensive education services to preschool children from low-income families, providing for human service needs and advocacy, promoting volunteerism and citizen service as a means for accomplishing local community and economic development goals, and providing for human service needs through community-based organizations.

(3) The department shall provide local communities and at-risk individuals with programs that provide community protection and assist in developing strategies to reduce substance abuse. The department shall administer programs that develop collaborative approaches to prevention, intervention, and interdiction programs. The department shall administer programs that support crime victims, address youth and domestic violence problems, provide indigent defense for low-income persons, border town disputes, and administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

(4) The department shall provide fire protection and emergency management services to support and strengthen local capacity for controlling risk to life, property, and community vitality that may result from fires, emergencies, and disasters. [2010 c 68 s 2; 1993 c 280 s 16.]

Effective date—2010 c 68: See note following RCW 43.23.290.

RCW 43.330.135 Court-appointed special advocate programs—Funds—Eligibility. (1) The department of commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03A.245.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for

allocation of appropriated money among the eligible organizations. [2021 c 176 s 5226; 2009 c 565 s 8; 1995 c 13 s 1.]

Effective date—2021 c 176: See note following RCW 24.03A.005.

RCW 43.330.145 Entrepreneurial assistance—Recipients of temporary assistance for needy families—Cooperation with agencies for training and industrial recruitment. (1) The department shall ensure that none of its rules or practices act to exclude recipients of temporary assistance for needy families from any small business loan opportunities or entrepreneurial assistance it makes available through its community development block grant program or otherwise provides using state or federal resources. The department shall encourage local administrators of microlending programs using public funds to conduct outreach activities to encourage recipients of temporary assistance for needy families to explore self-employment as an option. The department shall compile information on private and public sources of entrepreneurial assistance and loans for start-up businesses and provide the department of social and health services with the information for dissemination to recipients of temporary assistance for needy families.

(2) The department shall, as part of its industrial recruitment efforts, work with the workforce training and education coordinating board to identify the skill sets needed by companies locating in the state. The department shall provide the department of social and health services with the information about the companies' needs in order that recipients of public assistance and service providers assisting such recipients through training and placement programs may be informed and respond accordingly. The department shall work with the state board for community and technical colleges, the job skills program, the employment security department, and other employment and training programs to facilitate the inclusion of recipients of temporary assistance for needy families in relevant training that would make them good employees for recruited firms.

(3) The department shall perform the duties under this section within available funds. [1997 c 58 s 323.]

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.330.150 Fees—Conferences, workshops, training. The department is authorized to charge reasonable fees to cover costs for conferences, workshops, and training purposes and to expend those fees for the purposes for which they were collected. [1994 c 284 s 1.]

Effective date—1994 c 284: See RCW 43.22A.901.

RCW 43.330.152 Fees—Service and product delivery areas. In order to extend its services and programs, the department may charge reasonable fees for services and products provided in the areas of financial assistance, housing, international trade, community

assistance, economic development, and other service delivery areas, except as otherwise provided. These fees are not intended to exceed the costs of providing the service or preparing and distributing the product. [1994 c 284 s 2.]

Effective date—1994 c 284: See RCW 43.22A.901.

RCW 43.330.155 Community and economic development fee account. The community and economic development fee account is created in the state treasury. The department may create subaccounts as necessary. The account consists of all receipts from fees charged by the department under RCW 43.330.150, 43.330.152, and *43.210.110. Expenditures from the account may be used only for the purposes of this chapter. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be spent only after appropriation. [1994 c 284 s 4.]

***Reviser's note:** RCW 43.210.110 was repealed by 1991 c 314 s 18, effective June 30, 1997.

Effective date—1994 c 284: See RCW 43.22A.901.

RCW 43.330.156 Fees—Adoption by rule. The fees authorized under RCW 43.330.150, 43.330.152, *70.95H.040, and **43.210.110 shall be adopted by rule pursuant to chapter 34.05 RCW. [1994 c 284 s 8.]

Reviser's note: *(1) The governor vetoed 1994 c 284 s 5, the amendment to RCW 70.95H.040 that provided for fees. Chapter 70.95H RCW was repealed in its entirety by 2017 3rd sp.s. c 25 s 9.

**(2) RCW 43.210.110 was repealed by 1991 c 314 s 18, effective June 30, 1997.

Effective date—1994 c 284: See RCW 43.22A.901.

RCW 43.330.165 Housing for farmworkers—Proposal review and funding recommendations—Farmworker housing advisory group. (1) The department shall work with the advisory group established in subsection (2) of this section to review proposals and make prioritized funding recommendations to the department or funding approval board that oversees the distribution of housing trust fund grants and loans to be used for the development, maintenance, and operation of housing for low-income farmworkers.

(2) A farmworker housing advisory group representing growers, farmworkers, and other interested parties shall be formed to assist the department in the review and priority funding recommendations under this section. [1998 c 37 s 8.]

RCW 43.330.167 Washington youth and families fund. (1)(a) There is created in the custody of the state treasurer an account to be known as the Washington youth and families fund. Revenues to the fund consist of appropriations by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of commerce, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless youth and families.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

(a) Case management;

(b) Counseling;

(c) Referrals to employment support and job training services and direct employment support and job training services;

(d) Domestic violence services and programs;

(e) Mental health treatment, services, and programs;

(f) Substance abuse treatment, services, and programs;

(g) Parenting skills education and training;

(h) Transportation assistance;

(i) Child care; and

(j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations. [2015 c 69 s 24; 2009 c 565 s 9; 2004 c 276 s 718.]

Severability—2004 c 276: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2004 c 276 s 915.]

Effective date—2004 c 276: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2004]." [2004 c 276 s 916.]

RCW 43.330.170 Statewide housing market analysis. The office of community development of the department of commerce is directed to conduct a statewide housing market analysis by region. The purpose of the analysis is to identify areas of greatest need for the appropriate investment of state affordable housing funds, using vacancy data and other appropriate measures of need for low-income housing. The analysis shall include the number and types of projects that counties have developed using the funds collected under chapter 294, Laws of 2002. The analysis shall be completed by September 2003, and updated every two years thereafter. [2009 c 565 s 10; 2002 c 294 s 4.]

Findings—2002 c 294: See note following RCW 36.18.010.

RCW 43.330.181 Office of apple health and homes—Responsibilities. (1) Subject to the availability of amounts appropriated for this specific purpose, there is created the office of apple health and homes within the department.

(2) Activities of the office of apple health and homes must be carried out by a director of the office of apple health and homes, supervised by the director of the department or their designee.

(3) The office of apple health and homes is responsible for leading efforts under this section and coordinating a spectrum of practice efforts related to providing permanent supportive housing, including leading efforts related to every aspect of creating housing, operating housing, obtaining services, and delivering those services to connect people with housing and maintain them in that housing.

(4) The office of apple health and homes shall:

(a) Subject to available funding, allocate funding for permanent supportive housing units sufficient in number to fulfill permanent supportive housing needs of persons determined to be eligible for the program by the coordinating entity or entities under RCW 74.09.886;

(b) Collaborate with department divisions responsible for making awards or loans to appropriate housing providers to acquire, build, and operate the housing units, including but not limited to nonprofit community organizations, local counties and cities, public housing authorities, and public development authorities;

(c) Collaborate with the authority on administrative functions, oversight, and reporting requirements, as necessary to implement the apple health and homes program established under RCW 74.09.886;

(d) Establish metrics and collect racially disaggregated data from the authority and the department related to the program's effect on providing persons with permanent supportive housing, moving people into independent housing, long-term housing stability, improving health outcomes for people in the program, estimated reduced health care spending to the state on persons enrolled in the program, and outcomes related to social determinants of health;

(e) Develop a publicly accessible dashboard to make key program outcomes available to the public. Key program outcomes include, but are not limited to, the number of people served by the program and the number of housing units created by the office;

(f) Create work plans and establish milestones to achieve the goal of providing permanent supportive housing for all eligible individuals; and

(g) Oversee the allocation of community support services provider and housing provider capacity-building grants to further the state's interests of enhancing the ability of community support services providers and housing providers to deliver community support services and permanent supportive housing and assure that an initial infrastructure is established to create strong networks of community support services providers and housing providers.

(5) The office of apple health and homes must be operational no later than January 1, 2023. The department shall assure the coordination of the work of the office of apple health and homes with other offices within the department with similar or adjacent authorities and functions.

(6) For the purposes of this section:

(a) "Community support services provider" has the same meaning as in RCW 74.09.885.

(b) "Coordinating entity" has the same meaning as in RCW 74.09.885.

(c) "Housing provider" has the same meaning as in RCW 74.09.885.

(d) "Permanent supportive housing" has the same meaning as in RCW 74.09.885. [2022 c 216 s 5.]

Findings—Intent—Short title—2022 c 216: See notes following RCW 74.09.885.

RCW 43.330.184 Apple health and homes account. The apple health and homes account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for permanent supportive housing programs administered by the office created in RCW 43.330.181, including acquisition and development of permanent supportive housing units, operations, maintenance, and services costs of permanent supportive housing units, project-based vouchers, provider grants, and other purposes authorized by appropriations made in the operating budget. The department must prioritize allocating at least 10 percent of the expenditures from the account to organizations that serve and are substantially governed by individuals disproportionately impacted by homelessness and behavioral health conditions, including black, indigenous, and other people of color, lesbian, gay, bisexual, queer, transgender, and other gender diverse individuals. When selecting projects supported by funds from the account, the office shall balance the state's interest in quickly approving and financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities of chapter 216, Laws of 2022 on a statewide basis, including in rural areas and in geographically diverse parts of the state. During the 2025-2027 fiscal biennium, the legislature may direct the state treasurer to transfer money in the apple health and homes account to the state general fund. [2025 c 424 s 959; 2022 c 216 s 6.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Findings—Intent—Short title—2022 c 216: See notes following RCW 74.09.885.

RCW 43.330.187 Rapid permanent supportive housing acquisition and development program. Subject to amounts appropriated from the apple health and homes account created in RCW 43.330.184 the department of commerce shall establish a rapid permanent supportive housing acquisition and development program to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 and to public development authorities established under RCW 35.21.730 through 35.21.755, for the acquisition or the construction of permanent supportive housing units, subject to the following conditions and limitations:

(1) Awards or loans provided under this section may be used to construct permanent supportive housing units or to acquire real property for quick conversion into permanent supportive housing units which may include predevelopment or development activities,

renovation, and building update costs. Awards or loans provided under this section may not be used for operating or maintenance costs associated with providing permanent supportive housing, supportive services, or debt service.

(2) Projects acquired or constructed under this section must serve individuals eligible for a community support services benefit through the apple health and homes program, as established in RCW 74.09.886.

(3) The department of commerce shall establish criteria for the issuance of the awards or loans, including but not limited to:

(a) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(b) A detailed estimate of the costs associated with the construction or acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants through the end of the award or loan contract.

(4) The department of commerce shall provide a progress report on its website by June 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, number of units, and anticipated completion date.

(5)(a) The funding in this section shall be allocated on an ongoing basis until all funds are expended. The department of commerce shall dispense funds to qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(b) The department of commerce shall ensure that proposals that reach the greatest public benefit, as defined by the department, are prioritized. For the purposes of this subsection, "greatest public benefit" must include, but is not limited to:

(i) The greatest number of qualifying permanent supportive housing units created by the state investment, determined by comparing simultaneous applications for funding from the same geographic region; and

(ii) Equitable geographic distribution, to the extent possible, relative to need, as determined by the establishment of regional targets. [2022 c 216 s 8.]

Findings—Intent—Short title—2022 c 216: See notes following RCW 74.09.885.

RCW 43.330.190 Reimbursement of extraordinary criminal justice costs. Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature. [1999 c 303 s 1.]

RCW 43.330.250 Economic development strategic reserve account—Authorized expenditures—Transfer of excess funds to the education construction account. (1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of commerce, may authorize expenditures from the account.

(3) During the 2009-2011, 2011-2013, and 2025-2027 fiscal biennia, moneys in the account may also be transferred into the state general fund.

(4) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility;

(c) Other lawfully provided assistance including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention; and

(d) The joint center for aerospace technology innovation.

(5) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(6) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(7) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

(8) During the 2017-2019, 2019-2021, and 2025-2027 fiscal biennia, the legislature may appropriate moneys from the account to fund programs and grants at the department of commerce. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia. [2025 c 424 s 960; 2019 c 415 s 974; 2017 3rd sp.s. c 1 s 975; 2015 3rd sp.s. c 4 s 962; 2014 c 112 s 114; 2013 2nd sp.s. c 24 s 1; 2011 1st sp.s. c 50 s 956. Prior: 2009 c 565 s 13; 2009 c 564 s 943; 2008 c 329 s 914; 2005 c 427 s 1.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Effective date—2019 c 415: See note following RCW 28B.20.476.

Effective date—2017 3rd sp.s. c 1: See note following RCW 43.41.455.

Effective dates—2015 3rd sp.s. c 4: See note following RCW 28B.15.069.

Effective dates—2011 1st sp.s. c 50: See note following RCW 15.76.115.

Effective date—2009 c 564: See note following RCW 2.68.020.

Severability—Effective date—2008 c 329: See notes following RCW 28B.105.110.

RCW 43.330.260 Inventory of economic development grant opportunities—Joint efforts for grant seeking and attracting major events. (1) The department shall make available, within existing resources, an inventory of grant opportunities for state agencies, local governments, and other community organizations engaged in economic development activities.

(2) In developing the inventory of economic development grant opportunities, the department may:

(a) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(b) Maintain an inventory of grant opportunities with private foundations and businesses;

(c) Provide a resource guide for applicants for federal grants, including links to federal applications and relevant resources, and contact information for department assistance; and

(d) Consult with federal officials, including but not limited to those in the small business administration, the department of labor, the department of commerce, the department of agriculture, the department of ecology, as well as private foundations and businesses,

on the prospects for obtaining federal and private funds for economic development purposes in Washington state.

(3) The department may also facilitate joint efforts between agencies and between local organizations and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events. [2024 c 223 s 4; 2006 c 314 s 2.]

Findings—Intent—2024 c 223: See note following RCW 43.330.070.

Finding—2006 c 314: "The legislature declares that it is the state's policy to encourage the use of federal and private funds for economic development purposes and to use state resources to leverage federal and private dollars to supplement state economic development efforts." [2006 c 314 s 1.]

RCW 43.330.270 Innovation partnership zone program. (1) The department must design and implement an innovation partnership zone program through which the state will encourage and support research institutions, workforce training organizations, and globally competitive companies to work cooperatively in close geographic proximity to create commercially viable products and jobs.

(2) The director must designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) An industry cluster as defined in RCW 43.330.090. The cluster must include a dense proximity of globally competitive firms in a research-based industry or industries or individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or evidence of sales in international markets; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(3) With respect solely to the research capacity required in subsection (2)(a)(i) of this section, the director may waive the requirement that the research institution be located within the zone. To be considered for such a waiver, an applicant must provide a specific plan that demonstrates the research institution's unique qualifications and suitability for the zone, and the types of jointly executed activities that will be used to ensure ongoing, face-to-face interaction and research collaboration among the zone's partners.

(4) On October 1st of each odd-numbered year, the director must designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as developed by the department. Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director must require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents.

(5) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(6) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties;

(c) Job skills;

(d) Local improvement districts; and

(e) Community economic revitalization board projects under chapter 43.160 RCW.

(7) An innovation partnership zone must be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(8) If the director finds that an applicant does not meet all of the statutory criteria or additional criteria recommended by the department to be designated as an innovation partnership zone, the department must:

(a) Identify the deficiencies in the proposal and recommended steps for the applicant to take to strengthen the proposal;

(b) Provide the applicant with the opportunity to appeal the decision to the director; and

(c) Allow the applicant to reapply for innovation partnership designation on October 1st of the following calendar year or during any subsequent application cycle.

(9) If the director finds at any time after the initial year of designation that an innovation partnership zone is failing to meet the performance standards required in its contract with the department, the director may withdraw such designation and cease state funding of the zone.

(10) The department must convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(11) An innovation partnership zone must annually provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(12) The department must compile a biennial report on the innovation partnership zone program by December 1st of every even-numbered year. The report must provide information for each zone on its: Objectives; funding, tax incentives, and other support obtained from public sector sources; major activities; partnerships; performance measures; and outcomes achieved since the inception of the zone or since the previous biennial report. The department must submit the report to the governor and legislature beginning December 1, 2010. [2014 c 112 s 115; 2012 c 225 s 1; 2009 c 72 s 1; 2007 c 227 s 1.]

RCW 43.330.280 Documentation of clusters of companies having a comparative competitive advantage—Process and criteria—Working group. (1) The department shall document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section.

(2) The department and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors. [2014 c 112 s 116; 2012 c 229 s 708. Prior: 2009 c 565 s 14; 2009 c 72 s 2; 2007 c 227 s 2.]

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

RCW 43.330.300 Financial fraud and identity theft crimes investigation and prosecution program. ***(Expires July 1, 2030.)*** (1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of commerce. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include information regarding the use of funds and funding needs to facilitate a biennial review of the program's funding. The report must also include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King, Pierce, and Snohomish

counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, revenues generated by the surcharge imposed in RCW 62A.9A-525, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

(5) This section expires July 1, 2030. [2020 c 60 s 1; 2015 c 65 s 1; 2009 c 565 s 16; 2008 c 290 s 1.]

Effective date—2015 c 65: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015." [2015 c 65 s 5.]

RCW 43.330.320 Obtaining energy efficiency services—Awarding grants to financial institutions—Credit enhancements. (1) The department must: (a) Establish a process to award grants on a competitive basis to provide grants to financial institutions for the purpose of creating credit enhancements, such as loan loss reserve funds as specified in RCW 43.330.330 and 43.330.350, and consumer financial products and services that will be used to obtain energy efficiency services; and (b) develop criteria, in consultation with the department of financial institutions, regarding the extent to which funds will be provided for the purposes of credit enhancements

and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(2) The department must:

(a) Give priority to financial institutions that provide both consumer financial products or services and direct outreach;

(b) Approve any financing mechanisms offered by local municipalities under RCW 43.330.350; and

(c) Require any financial institution or other entity receiving funding for credit enhancements to:

(i) Provide books, accounts, and other records in such a form and manner as the department may require;

(ii) Provide an estimate of projected loan losses; and

(iii) Provide the financial institution's plan to manage loan loss risks, including the rationale for sizing a loan loss reserve and the use of other credit enhancements, as applicable. [2009 c 379 s 205.]

Finding—Intent—Effective date—2009 c 379: See notes following RCW 70A.50.010.

RCW 43.330.330 Funding energy efficiency improvements—Risk reduction mechanisms—Legislative intent. (1) The legislature finds that the creation and use of risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family-wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing. [2009 c 379 s 206.]

Finding—Intent—Effective date—2009 c 379: See notes following RCW 70A.50.010.

RCW 43.330.340 Appliance efficiency rebate program. The department may create an appliance efficiency rebate program with available funds from the energy efficient appliances rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58). [2009 c 379 s 207.]

Finding—Intent—Effective date—2009 c 379: See notes following RCW 70A.50.010.

RCW 43.330.350 Use of moneys by local municipalities to leverage financing for energy efficiency projects. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program or state energy program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section must conform to all applicable state and federal rules and regulations. [2009 c 379 s 208.]

Finding—Intent—Effective date—2009 c 379: See notes following RCW 70A.50.010.

RCW 43.330.360 Findings—Involvement of state bond authorities in financing energy efficiency projects. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties, and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the department on the design of the bond authorities' program.

(b) The department may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter

43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies. [2009 c 379 s 209.]

Finding—Intent—Effective date—2009 c 379: See notes following RCW 70A.50.010.

RCW 43.330.365 Electric vehicle incentive account. The electric vehicle incentive account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may be used for programs and incentives that promote the purchase or conversion to alternative fuel vehicles to further state climate goals under RCW 70A.45.020 and environmental justice goals under 70A.02 RCW, including but not limited to:

(1) Income-qualified grant programs to retire vehicles and replace them with alternative fuel vehicles;

(2) Programs to provide grants for the installation of electric vehicle infrastructure to support electric vehicle adoption; and

(3) Programs to conduct research and public outreach regarding adoption of alternative fuel vehicles.

During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to transfer money in the electric vehicle incentive account to the state general fund. [2025 c 424 s 1908; 2023 c 435 s 8. Prior: 2022 c 297 s 948.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Effective date—2023 c 435: See note following RCW 43.79.570.

Effective date—2022 c 297: See note following RCW 43.79.565.

RCW 43.330.370 Evergreen jobs initiative. The Washington state evergreen jobs initiative is established as a comprehensive green economy jobs growth initiative with the goals of:

(1) Creating fifteen thousand new green economy jobs by 2020, with a target of thirty percent of those jobs going to veterans, members of the national guard, and low-income and disadvantaged populations;

(2) Capturing and deploying federal funds in a focused, effective, and coordinated manner;

(3) Preparing the state's workforce to take full advantage of green economy job opportunities and to meet the recruitment and training needs of industry and small businesses;

(4) Attracting private sector investment that will create new and expand existing jobs, with an emphasis on services and products that have a high economic or environmental impact and can be exported domestically and internationally;

(5) Making Washington state a net exporter of green industry products and services, with special attention to renewable energy technology and components;

(6) Empowering local agencies and organizations to recruit green economy businesses and jobs into the state by providing state support and assistance;

(7) Capitalizing on existing partnership agreements in the Washington works plan and the Washington workforce compact; and

(8) Operating in concert with the fourteen guiding principles identified by the department in its Washington state's green economy strategic framework. [2009 c 536 s 2.]

Short title—2009 c 536: "This act may be known and cited as the evergreen jobs act." [2009 c 536 s 15.]

RCW 43.330.375 Evergreen jobs efforts—Coordination and support—Identification of technologies, barriers, and strategies—Outreach efforts—Performance reports. (1) The department and the workforce board must:

(a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

(i) Administrative and technical assistance;

(ii) Assistance with and expediting of permit processes; and

(iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize through both support and outreach efforts, projects that:

(i) Have a strong and lasting economic or environmental impact;

(ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;

(iii) Create training programs leading to a credential, certificate, or degree in a green economy field;

(iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify barriers to the growth of green jobs in traditional industries such as the forest products industry;

(h) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment of funds and support to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

(i) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

(j) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;

(k) Develop targeting criteria for existing investments that are consistent with the goals of this section and RCW *28C.18.170, 28B.50.281, and 49.04.200; and

(l) Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.

(2) The department and the workforce board must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (1)(h) of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and RCW *28C.18.170, 28B.50.281, and 49.04.200; and

(f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the student achievement council. [2014 c 112 s 118; 2012 c 229 s 591; 2010 c 187 s 3; 2009 c 536 s 4.]

***Reviser's note:** RCW 28C.18.170 was repealed by 2023 c 231 s 8.

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—2010 c 187: "(1) The legislature finds that:

(a) Washington's forest products industry plays a critical economic and environmental role in the state. The industry provides a wide range of services and goods both to Washingtonians and people around the world and is vital to the well-being and lifestyle of the people of the state of Washington; and

(b) It is in the best interest of the state to support and enhance the forest products industry.

(2) The legislature further finds that the state's forest practices are sustainably managed according to some of the most stringent riparian growing and harvest rules of any state in the nation or in the world, and that the state of Washington has received fifty-year assurances from the federal government that the state's forest practices satisfy the requirements of the federal endangered species act for aquatic species. As part of their environmental stewardship, forestland owners in Washington have repaired or removed nearly three thousand fish passage barriers, returned nearly twenty-five hundred miles of forest roads to their natural condition, and opened up nearly fifteen hundred miles of riparian salmonid habitat.

(3) The legislature further finds that Washington's forests naturally create habitat for fish and wildlife, clean water, and carbon storage; all environmental benefits that are lost when land is converted out of working forestry into another use. In recognition of forestry's benefits, the international panel on climate change has reported that a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, wood products, or energy from the forest, will generate the largest sustained carbon mitigation benefit.

(4) The legislature further finds that the forest products industry is a seventeen billion dollar industry, making it Washington's second largest manufacturing industry. The forest

products industry alone provides nearly forty-five thousand direct jobs and one hundred sixty-two thousand indirect jobs, many located in rural areas.

(5) The legislature further finds that working forests help generate wealth through recreation and tourism, the retention and creation of green jobs, and through the production of wood products and energy, a finding supported by the United States secretary of agriculture." [2010 c 187 s 1.]

Short title—2009 c 536: See note following RCW 43.330.370.

RCW 43.330.400 Federal broadband account. (1) The federal broadband account is created in the state treasury. All receipts from funds received from legislative appropriation or transfer, federal funding, and moneys directed to the account from any other lawful source, must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for broadband activities authorized under federal law and for nonfederal match requirements.

(2) Federal funding received by the department from the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (the infrastructure investment and jobs act) or a substantially similar successor federal program, must be deposited into the account for broadband activities and must be used in accordance with any federal requirements and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state. [2025 c 399 s 6; 2011 1st sp.s. c 43 s 603; 2009 c 509 s 2. Formerly RCW 43.105.370.]

Effective dates—2025 c 399 ss 1-13, 15, and 17: See note following RCW 72.09.092.

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—2009 c 509: "(1) The legislature finds that the deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities. Such deployment also offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents. The legislature further finds that improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(2) The legislature intends to support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology. The legislature further intends to ensure that all Washington citizens, businesses, schools, and organizations are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, structure, or size. In addition, the legislature intends that a statewide assessment of

the availability, location, service levels, and other characteristics of high-speed internet services and other advanced telecommunications services in the state be conducted.

(3) In recognition of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is the purpose of this act to make high-speed internet service more readily available throughout the state, especially in areas and for populations with a low utilization rate." [2009 c 509 s 1.]

Effective date—2009 c 509: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 509 s 16.]

RCW 43.330.403 Reporting availability of high-speed internet—Survey of high-speed internet infrastructure owned or leased by state agencies—Geographic information system map—Rules. (1) Subject to the availability of federal or state funding, the department may:

(a) Develop an interactive website to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed; and

(b) Conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and create a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(b) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. The department shall request of state agencies, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency. [2011 1st sp.s. c 43 s 604; 2009 c 509 s 3. Formerly RCW 43.105.372.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—Effective date—2009 c 509: See notes following RCW 43.330.400.

RCW 43.330.406 Procurement of geographic information system map—Accountability and oversight structure—Application of public records act. (1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service

availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet deployment technology, and available speed tiers for high-speed internet based on any publicly available data.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map or updates to a map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data.

(3) The department shall establish an accountability and oversight structure to ensure that there is transparency in the bidding and contracting process and full financial and technical accountability for any information or actions taken by a third-party contractor creating this map.

(4) In contracting for purchase of the map or updates to a map in subsection (2)(a) of this section, the department may take no action, nor impose any condition on the third party, that causes any record submitted by a public or private broadband service provider to the third party to meet the standard of a public record as defined in RCW 42.56.010. This prohibition does not apply to any records delivered to the department by the third party as a component of the map. For the purpose of RCW 42.56.010(3), the purchase by the department of a completed map or updates to a map may not be deemed use or ownership by the department of the underlying information used by the third party to complete the map.

(5) Data or information that is publicly available as of July 1, 2009, will not cease to be publicly available due to any provision of chapter 509, Laws of 2009. [2011 1st sp.s. c 43 s 605; 2009 c 509 s 4. Formerly RCW 43.105.374.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—Effective date—2009 c 509: See notes following RCW 43.330.400.

RCW 43.330.409 Broadband mapping, deployment, and adoption—Reports. (1) The department, in coordination with the utilities and transportation commission, and such advisors as the department chooses, may prepare regular reports that identify the following:

(a) The geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state;

(b) A detailed explanation of how any amount of funding received from the federal government for the purposes of broadband mapping, deployment, and adoption will be or have been used; and

(c) A determination of how nonfederal sources may be utilized to achieve the purposes of broadband mapping, deployment, and adoption activities in the state.

(2) To the greatest extent possible, the initial report should be based upon the information identified in the geographic system maps developed under the requirements of this chapter.

(3) The initial report should be delivered to the appropriate committees of the legislature as soon as feasible, but no later than January 18, 2010.

(4) Any future reports prepared by the department based upon the requirements of subsection (1) of this section should be delivered to the appropriate committees of the legislature by January 15th of each year. [2011 1st sp.s. c 43 s 606; 2009 c 509 s 5. Formerly RCW 43.105.376.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—Effective date—2009 c 509: See notes following RCW 43.330.400.

RCW 43.330.412 Digital equity opportunity program—Administration—Grant program. The digital equity opportunity program is created to advance broadband adoption and digital equity and inclusion throughout the state. The digital equity opportunity program must be administered by the department. The department may contract for services in order to carry out the department's obligations under this section.

(1) In implementing the digital equity opportunity program the director must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to digital equity programs throughout the state and additional support for the purpose of:

(i) Evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and

(ii) Developing, cataloging, disseminating, and promoting the exchange of best practices, with respect to and independent of the covered programs, in order to achieve digital equity. After July 1, 2024, no more than 15 percent of funds received by the director for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to advance digital equity and digital inclusion by providing:

(i) Training and skill-building opportunities;

(ii) Access to hardware and software, including online service costs such as application and software;

(iii) Internet connectivity;

(iv) Digital media literacy and cybersecurity training;

(v) Assistance in the adoption of information and communication technologies for low-income and underserved populations of the state;

(vi) Development of locally relevant content and delivery of vital services through technology; and

(vii) Technical support;

(c) Collaborate with broadband stakeholders, including broadband action teams across the state, in implementing the program as provided under this subsection; and

(d) For the purposes of this section, include wireless meshed network technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(f) Comply with such other requirements as the director establishes.

(3) The digital equity forum shall review grant applications and provide input to the director regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(4) In awarding grants under the digital equity opportunity program created in this section, the director must:

(a) Consider the input provided by the digital equity forum, as provided in subsection (3) of this section, in awarding grants; and

(b) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants.

(5) The director may use no more than 10 percent of funds received for the digital equity opportunity program to cover administrative expenses.

(6) The director must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes. [2022 c 265 s 304; 2011 1st sp.s. c 43 s 607; 2009 c 509 s 6; 2008 c 262 s 6. Formerly RCW 43.105.380, 28B.32.010.]

Effective date—2022 c 265 ss 101, 102, 301-305, and 401: See note following RCW 43.330.530.

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—Effective date—2009 c 509: See notes following RCW 43.330.400.

RCW 43.330.421 Advisory group on digital inclusion and technology planning. Subject to the availability of federal or state funding, the department may convene an advisory group on digital inclusion and technology planning. The advisory group may include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, and local government and other governmental

entities that are engaged in community technology activities. [2011 1st sp.s. c 43 s 610; 2009 c 509 s 10. Formerly RCW 43.105.400.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Findings—Intent—Purpose—Effective date—2009 c 509: See notes following RCW 43.330.400.

RCW 43.330.425 Advisory committee on permanent supportive housing. (1) An advisory committee on permanent supportive housing is established with members as provided in this section.

(a) One representative of the aging and long-term support administration at the department of social and health services;

(b) One representative of the health care authority;

(c) One representative of the developmental disabilities administration;

(d) One representative from a city that invests resources in permanent supportive housing;

(e) One representative from a city with the largest number of chronically homeless households;

(f) One representative from a county that invests resources in permanent supportive housing;

(g) One representative from a county with the largest number of chronically homeless households;

(h) One representative of public housing authorities as created under chapter 35.82 RCW;

(i) One permanent supportive housing service provider;

(j) One permanent supportive housing developer;

(k) One permanent supportive housing building operator;

(l) One permanent supportive housing resident;

(m) One permanent supportive housing researcher;

(n) One permanent supportive housing advocate;

(o) One representative from the behavioral health sector;

(p) One representative of the health care sector; and

(q) One representative of each of the following permanent supportive housing populations:

(i) Single adults;

(ii) Older adults over age 55;

(iii) Families with children;

(iv) The American Indian and Alaska Native community;

(v) Communities of color;

(vi) The LGBTQIA+ community;

(vii) The intellectual and developmental disability community;

(viii) The mental health disability community;

(ix) The substance use disorder community; and

(x) The physical disability community.

(2)(a) The members of the advisory committee shall be appointed by the director. Members must reflect the geographic, racial, and ethnic diversity of the state of Washington and be inclusive of historically marginalized communities.

(b) The members of the advisory committee must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The advisory committee shall:

(a) Select a chair from among its membership;

(b) Meet quarterly;

(c) Provide guidance and recommendations on the administration of permanent supportive housing resources managed by the department, including recommendations to ensure alignment of capital, services, and operating investments and fidelity with the provision of permanent supportive housing as defined in RCW 36.70A.030; and

(d) Until December 31, 2027, report its recommendations to enhance the coordination and availability of permanent supportive housing to the appropriate committees of the legislature and the governor by December 1st of each year.

(4) The director and the director of the office of supportive housing shall regularly consult with the advisory committee. The department shall convene the advisory committee for its initial meeting no later than November 1, 2022. The advisory committee shall be staffed by the department. [2022 c 266 s 2.]

Findings—Intent—2022 c 266: "The legislature recognizes permanent supportive housing as an evidence-based practice to ending the cycle of chronic homelessness and creating affordable housing for people living with behavioral health conditions, other disabling conditions, and extremely low incomes. The legislature finds that as greater investment has been allocated for permanent supportive housing capital, operations, maintenance, and services in order to meet the need in communities across the state, greater coordination of state and local resources is required to ensure these resources are being leveraged effectively so that the maximum number of high quality permanent supportive housing units are created each year. Therefore, the legislature intends to create a permanent supportive housing advisory committee to provide advice, recommendations, and stakeholder engagement of resource coordination to bring high quality permanent supportive housing to scale as efficiently as possible and to add a permanent supportive housing representative to the affordable housing advisory board." [2022 c 266 s 1.]

RCW 43.330.430 Developmental disabilities endowment—Definitions. The definitions in this section apply throughout RCW 43.330.431 through 43.330.436.

(1) "Developmental disability" has the meaning in RCW 71A.10.020(6).

(2) "Developmental disabilities endowment trust fund" means the fund established in the custody of the state treasurer in RCW 43.330.431, comprised of private, public, or private and public sources, to finance services for persons with developmental disabilities. All moneys in the fund, all property and rights purchased from the fund, and all income attributable to the fund, shall be held in trust by the state investment board, as provided in RCW 43.33A.030, for the exclusive benefit of fund beneficiaries. The principal and interest of the endowment fund must be maintained until such time as the governing board policy specifies except for the costs and expenses of the state treasurer and the state investment board otherwise provided for in chapter 120, Laws of 2000.

(3) "Governing board" means the developmental disabilities endowment governing board in RCW 43.330.432.

(4) "Individual trust account" means accounts established within the endowment trust fund for each individual named beneficiary for the

benefit of whom contributions have been made to the fund. The money in each of the individual accounts is held in trust as provided for in subsection (2) of this section, and shall not be considered state funds or revenues of the state. The governing board serves as administrator, manager, and recordkeeper for the individual trust accounts for the benefit of the individual beneficiaries. The policies governing the disbursements, and the qualifying services for the trust accounts, shall be established by the governing board. Individual trust accounts are separate accounts within the developmental disabilities endowment trust fund, and are invested for the beneficiaries through the endowment trust fund. [2025 c 58 s 2026; 2000 c 120 s 2. Formerly RCW 43.70.730, 43.330.195.]

Explanatory note—2025 c 58: See note following RCW 1.16.050.

RCW 43.330.431 Developmental disabilities endowment—Trust fund. (1) The developmental disabilities endowment trust fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of the developmental disabilities endowment established under this chapter, except for expenses of the state investment board and the state treasurer as specified in subsection (2) of this section. Only the developmental disabilities endowment governing board or the board's designee may authorize expenditures from the fund. The fund shall retain its interest earnings in accordance with RCW 43.79A.040.

(2) The developmental disabilities endowment governing board shall deposit in the fund all money received for the program, including state appropriations and private contributions. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160 and the expenses and operating costs of the state treasurer paid under RCW 43.08.190 and 43.79A.040, the fund shall be credited with all investment income earned by the fund. Disbursements from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department or the governing board is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures. [2000 c 120 s 3; 1999 c 384 s 2. Formerly RCW 43.70.731, 43.330.200.]

Intent—1999 c 384: "The legislature recognizes that the main and most enduring support for persons with developmental disabilities, along with public resources, is their immediate and extended families. The legislature recognizes that these families are searching for ways to provide for the long-term continuing care of their disabled family member when the family can no longer provide that care. It is the intent of the legislature to encourage and assist families to engage in long-range financial planning and to contribute to the lifetime care of their disabled family member. To further these objectives, this chapter is enacted to finance lifetime services and supports for persons with developmental disabilities through an endowment funded jointly by the investment of public funds and dedicated family contributions.

The establishment of this endowment is not intended to diminish the state's responsibility for funding services currently available to

future endowment participants, subject to available funding, nor is it the intent of the legislature, by the creation of this public/private endowment, to impose additional, unintended financial liabilities on the public." [2000 c 120 s 1; 1999 c 384 s 1.]

Captions not law—1999 c 384: "Captions used in this chapter are not any part of the law." [1999 c 384 s 9.]

RCW 43.330.432 Developmental disabilities endowment—Authority of state investment board—Authority of governing board. (1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the developmental disabilities endowment trust fund. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the investment board, money in the fund may be commingled for investment with other funds subject to investment by the board.

(4) The authority to establish all policies relating to the fund, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the governing board acting in accordance with the principles set forth in *RCW 43.330.220. With the exception of expenses of the state treasurer in *RCW 43.330.200 and the investment board set forth in subsection (1) of this section, disbursements from the fund shall be made only on the authorization of the governing board or the board's designee, and money in the fund may be spent only for the purposes of the developmental disabilities endowment program as specified in this chapter.

(5) The investment board shall routinely consult and communicate with the governing board on the investment policy, earnings of the trust, and related needs of the program. [2000 c 120 s 4. Formerly RCW 43.70.732, 43.330.205.]

***Reviser's note:** RCW 43.330.220 and 43.330.200 were recodified as RCW 43.70.734 and 43.70.731, respectively, pursuant to 2010 c 271 s 203. RCW 43.70.734 and 43.70.731 were subsequently recodified as RCW 43.330.434 and 43.330.431, respectively, pursuant to 2012 c 197 s 4.

RCW 43.330.433 Developmental disabilities endowment—Governing board—Liability of governing board and state investment board. The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in

areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members. [2012 c 197 s 1; 2010 c 271 s 201; 2009 c 565 s 11; 2000 c 120 s 5; 1999 c 384 s 4. Formerly RCW 43.70.733, 43.330.210.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

Intent—Captions not law—1999 c 384: See notes following RCW 43.330.431.

RCW 43.330.434 Developmental disabilities endowment—Endowment principles. The design, implementation, and administration of the developmental disabilities endowment shall be governed by the following principles:

(1) The design and operation of the endowment should reward families who set aside resources for their child's future care and provide incentives for continued caregiving by the family.

(2) The endowment should encourage financial planning and reward caregiving by a broad range of families, not just those who have substantial financial resources.

(3) Families should not feel compelled to contribute to the endowment in order to meet the needs of continuing care for their child.

(4) All families should have equal access to developmental disabilities services not funded through the endowment regardless of whether they contribute to the endowment.

(5) Services funded through the endowment should be stable, ongoing, of reasonable quality, and respectful of individual and family preferences.

(6) Endowment resources should be expended economically in order to benefit as many families as possible.

(7) Endowment resources should be managed prudently so that families can be confident that their agreement with the endowment on behalf of their child will be honored.

(8) The private financial contribution on behalf of each person receiving services from the endowment shall be at least equal to the state's contribution to the endowment.

(9) In order to be matched with funding from the state's contribution to the endowment, the private contribution on behalf of a beneficiary must be sufficient to support the beneficiary's approved service plan for a significant portion of the beneficiary's anticipated remaining lifetime.

(10) The rate that state appropriations to the endowment are used to match private contributions shall be such that each legislative appropriation to the developmental disabilities endowment trust fund, including principal and investment income, is not depleted in a period of less than five years.

(11) Private contributions made on behalf of a particular individual, and the associated state match, shall only be used for services provided upon that person's behalf.

(12) State funds contributed to the developmental disabilities endowment trust fund are to support the individual trust accounts established by individual private contributions made by families or other interested persons for named individual beneficiaries.

(13) The governing board shall explore methods to solicit private donations. The governing board shall explore mechanisms to support individuals with developmental disabilities who do not have individual private contributions made on their behalf. The governing board shall establish policies for the use of any private donations.

(14) Types of services funded by money managed through the developmental disabilities endowment trust fund shall be approved by the governing board or its designee. [2000 c 120 s 6; 1999 c 384 s 5. Formerly RCW 43.70.734, 43.330.220.]

Intent—Captions not law—1999 c 384: See notes following RCW 43.330.431.

RCW 43.330.435 Developmental disabilities endowment—Development of operating plan—Elements. To the extent funds are appropriated for this purpose, the governing board shall contract with an appropriate organization for the development of a proposed operating plan for the developmental disabilities endowment program. The proposed operating plan shall be consistent with the endowment principles specified in RCW 43.330.434. The plan shall address at least the following elements:

(1) The recommended types of services to be available through the endowment program and their projected average costs per beneficiary;

(2) An assessment of the number of people likely to apply for participation in the endowment under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(3) An actuarial analysis of the number of beneficiaries with disabilities who are likely to be supported under alternative levels of public contribution to the endowment, and the length of time the beneficiaries are likely to be served, under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(4) Recommended eligibility criteria for participation in the endowment program;

(5) Recommended policies regarding withdrawal of private contributions from the endowment in cases of movement out of state, death of the beneficiary, or other circumstances;

(6) Recommended matching rate of public and private contributions and, for each beneficiary, the maximum annual and lifetime amount of private contributions eligible for public matching funds;

(7) The recommended minimum years of service on behalf of a beneficiary that must be supported by private contributions in order for the contributions to qualify for public matching funds from the endowment;

(8) The recommended schedule according to which lump sum or periodic private contributions should be made to the endowment in order to qualify for public matching funds;

(9) A recommended program for educating families about the endowment, and about planning for their child's long-term future; and

(10) Recommended criteria and procedure for selecting an organization or organizations to administer the developmental disabilities endowment program, and projected administrative costs. [2025 c 58 s 2027; 2000 c 120 s 7. Formerly RCW 43.70.735, 43.330.225.]

Explanatory note—2025 c 58: See note following RCW 1.16.050.

RCW 43.330.436 Developmental disabilities endowment—Program implementation and administration. Based on the proposed operating plan under *RCW 43.330.225, and to the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall implement and administer, or contract for the administration of, the developmental disabilities endowment program under the principles specified in *RCW 43.330.220. By December 1, 2000, and prior to implementation, the final program design shall be submitted to the appropriate committees of the legislature.

The secretary of the department of social and health services shall seek to maximize federal reimbursement and matching funds for expenditures made under the endowment program, and shall seek waivers from federal requirements as necessary for the receipt of federal funds.

The governing board may receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the endowment program and may expend the gifts, grants, and endowments according to their terms. [2000 c 120 s 8; 1999 c 384 s 7. Formerly RCW 43.70.736, 43.330.230.]

***Reviser's note:** RCW 43.330.225 and 43.330.220 were recodified as RCW 43.70.735 and 43.70.734, respectively, pursuant to 2010 c 271 s 203. RCW 43.70.735 and 43.70.734 were subsequently recodified as RCW 43.330.435 and 43.330.434, respectively, pursuant to 2012 c 197 s 4.

Intent—Captions not law—1999 c 384: See notes following RCW 43.330.431.

RCW 43.330.437 Developmental disabilities endowment—Rules. The department shall adopt rules for the implementation of policies established by the governing board in *RCW 43.70.731 through 43.70.736. Such rules will be consistent with those statutes and chapter 34.05 RCW. [2010 c 271 s 202; 2009 c 565 s 12; 2000 c 120 s 9. Formerly RCW 43.70.737, 43.330.240.]

***Reviser's note:** RCW 43.70.731 through 43.70.736 were recodified as RCW 43.330.431 through 43.330.436, respectively, pursuant to 2012 c 197 s 4.

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 43.330.440 Multijurisdictional regulatory streamlining projects—Establishment—Reports. (1) The department, in collaboration with the office of regulatory assistance and the office of accountability and performance, must conduct multijurisdictional regulatory streamlining projects that each impact a specific industry sector or subsector within a specific geographical location. Planning for an initial pilot project must begin by September 1, 2013, and the initial pilot project must be underway by December 31, 2013. One or more projects must be implemented in each subsequent calendar year through 2019.

(2) The department must establish and implement a competitive process and select a minimum of one applicant comprised of a public-private partnership for participation in each project. The initial pilot project must focus on the manufacturing sector. The department, in consultation with the economic development commission, must determine the sectors for subsequent projects. The criteria to be used to select projects must include:

(a) Evidence of strong business commitment to the project;

(b) Evidence of strong commitment by the local government jurisdictions where the project is located to allocate necessary staff to the project and to streamline laws, rules, and administrative process requirements both within their jurisdictions and collaboratively across jurisdictions;

(c) Willingness to apply lean principles and tools to streamline the business regulatory experience;

(d) Identification of a lead partner capable of providing project management and coordination of partners;

(e) Support of the stakeholders necessary to implement the project;

(f) A plan and capacity to complete the project within the time frame; and

(g) A minimum of fifty percent match must be provided from project partners. The match may be cash, in-kind, or a combination of cash and in-kind.

(3) The department is encouraged to collaborate with nonprofit industry organizations, the private sector, foundations, and other interested entities to successfully complete each project.

(4) The department must pursue opportunities for nonstate funding as the match to the fifty percent or more provided by project partners. A maximum of fifty thousand dollars of state funds may be used for a project.

(5) The department may contract with a third party for expertise and facilitation.

(6) All state agencies with regulatory requirements that impact the project's industry sector must participate.

(7) The state agencies, local jurisdictions, business partners, and other participants must jointly:

(a) Develop a project plan to conduct a cross-jurisdictional review process;

(b) Identify and review all laws, rules, and administrative processes and requirements pertaining to the selected sector;

(c) Apply specific criteria to evaluate the extent to which the laws, rules, and administrative processes and requirements provide for consistent, clear, and efficient customer experiences while continuing to maintain public health, safety, and environmental standards;

(d) Develop an implementation plan and schedule that identifies priority streamlining actions;

(e) Present their recommendations to the department for comment and endorsement; and

(f) Present their recommendations to the Washington state economic development commission for comment, endorsement, and evaluation.

(8) The department must document and distribute the streamlined laws, rules, processes, and other potentially replicable information, derived from the projects to the association of Washington cities and Washington state association of counties for distribution to their membership.

(9) The department must brief the economic development committees of the legislature by January 15, 2014, on the status of the initial pilot project, and must submit a report on the outcomes of the projects to the economic development committees of the legislature by January 15th of each calendar year, from 2015 through 2020. The department must include in the reports any streamlining recommendations identified in the projects that require statutory changes for implementation and any potentially replicable models, approaches, and tools that could be applied to other sectors and geographical areas. [2013 c 324 s 2.]

Findings—Intent—2013 c 324: "(1) The legislature finds that: Since 2010, the department of commerce and the office of regulatory assistance have convened and coordinated a number of cross-agency collaborative regulatory streamlining efforts focused on improving the regulatory experience for small businesses, while maintaining public health and safety; the department of commerce has established efficient and effective regulation as one of its four global priorities to support the mission to grow and improve jobs; the state auditor's office issued a regulatory performance audit in 2012

identifying many agency actions that can also improve the business community's ability to comply with regulatory requirements; and the Washington state economic development commission's 2012 comprehensive statewide strategy emphasized the need for smarter regulations in order to achieve long-term global competitiveness, prosperity, and economic opportunity for all the state's citizens.

(2) The legislature further finds that while individual agency streamlining activities result in improvements, businesses are required to interact with many state and local agencies, all with unique requirements, processes, forms, instructions, payment options, and electronic transaction capabilities. Cross-agency and cross-jurisdictional regulatory improvements are needed to meaningfully improve the overall business customer experience and ability to more easily understand and comply with requirements.

(3) Therefore, the legislature intends to authorize a business regulatory efficiency program administered by the department of commerce with the goal of providing an improved regulatory environment in Washington. By enhancing, simplifying, and better coordinating state and local regulatory processes for specific industry sectors, the amount of time it takes businesses to conduct their interactions with state government will decrease, compliance will increase, and businesses will have the opportunity to generate more revenue and create more jobs, thereby strengthening Washington's economy and overall global competitiveness." [2013 c 324 s 1.]

RCW 43.330.460 Washington achieving a better life experience program—Definitions. The definitions in this section apply throughout RCW 43.330.462 through 43.330.468 unless the context clearly indicates otherwise.

(1) "Eligible individual" means an individual eligible for the Washington achieving a better life experience program pursuant to section 529A of the federal internal revenue code of 1986, as amended.

(2) "Governing board" means the Washington achieving a better life experience program governing board in RCW 43.330.466.

(3) "Individual Washington achieving a better life experience program account" means an account established by or for an eligible individual and owned by the eligible individual pursuant to the Washington achieving a better life experience program. Any moneys placed in these accounts or achieving a better life experience program accounts established in other states shall not be counted as assets for purposes of state or local means-tested program eligibility or levels of state means-tested program eligibility.

(4) "Washington achieving a better life experience program" means a savings or investment program that establishes individual Washington achieving a better life experience program accounts pursuant to section 529A of the federal internal revenue code of 1986, as amended.

(5) "Washington achieving a better life experience program account" means the account created in RCW 43.330.462(1), to be used only for purposes of Washington achieving a better life experience program administration and operation. [2018 c 76 s 1; 2016 c 39 s 1.]

RCW 43.330.462 Washington achieving a better life experience program account. (1) The Washington achieving a better life experience program account is created in the custody of the state

treasurer. Expenditures from the account may be used only for the purposes of administrative and operating expenses of the Washington achieving a better life experience program established under this chapter, except for expenses of the state investment board and the state treasurer as specified in this section.

(2) The account must be self-sustaining, include payments received from contributors to individual Washington achieving a better life experience program accounts, held in trust, and must be credited with income earned by the account, and contributions to individual Washington achieving a better life experience program accounts may be invested in self-directed investment options. All self-directed investment options must comply with section 529A of the federal internal revenue code of 1986, as amended. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. An appropriation is not required for expenditures.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to individual Washington achieving a better life experience program account holders. Only the Washington achieving a better life experience governing board or the board's designee may authorize expenditures from the account.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore, the assets of the account are not considered state money, common cash, or revenue to the state. [2018 c 76 s 2; 2016 c 39 s 2.]

RCW 43.330.464 Washington achieving a better life experience program—Investment of moneys—Responsibility of state investment board, governing board, and investment manager. (1) The governing board may elect to have the state investment board or investment manager invest the money in the Washington achieving a better life experience program account. If the governing board so elects, the state investment board created in RCW 43.33A.020 or the investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington achieving a better life experience program account. All investment and operating costs associated with the investment of money by the state investment board must be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money must be retained by the account.

(2)(a) After consultation with the governing board, the state investment board or investment manager may elect to invest any self-directed accounts associated with the Washington achieving a better life experience program. The state investment board or investment manager has full authority to invest all self-directed investment moneys in accordance with this section and RCW 43.84.150. In carrying out this authority the state investment board or investment manager, after consultation with the governing board regarding any recommendations, shall provide a set of options for eligible individuals to choose from for self-directed investment. Any self-directed investment options provided must comply with section 529A of the federal internal revenue code of 1986, as amended.

(b) All investment and operating costs of the state investment board or investment manager associated with making self-directed investments must be paid by eligible individuals and recovered under procedures agreed to by the governing board and the state investment

board or investment manager consistent with the principles set forth in RCW 43.33A.160. All other expenses caused by self-directed investments must be paid by the eligible individual in accordance with rules established by the governing board. With the exception of these expenses, all earnings from self-directed investments shall accrue to the eligible individual's Washington achieving a better life experience program account.

(c)(i) The governing board shall keep or cause to be kept full and adequate accounts and records of each eligible individual Washington achieving a better life experience program account.

(ii) The governing board shall account for and report on the investment of self-directed assets or may enter into an agreement with the recordkeepers for such accounting and reporting under this chapter.

(iii) The governing board's duties related to eligible individual Washington achieving a better life experience program accounts include conducting[,] or causing to be conducted, the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iv) The governing board has sole responsibility for contracting with any recordkeepers for individual Washington achieving a better life experience program accounts and shall manage the performance of recordkeepers under those contracts.

(v) The governing board has sole responsibility for contracting with outside investment firms to provide investment management for the individual Washington achieving a better life experience program accounts and shall manage the performance of investment managers under those contracts.

(d) The governing board shall designate and define the terms of engagement for the custodial banks under authority that the state treasurer shall delegate pursuant to RCW 43.08.015 with the concurrence of the office of financial management.

(3) All investments made by the state investment board must be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(4) As deemed appropriate by the state investment board, money in the account may be commingled for investment with other funds subject to investment by the state investment board.

(5) The authority to establish all policies relating to the account resides with the governing board acting to implement, design, and manage the Washington achieving a better life experience savings program that allows eligible individuals to create and maintain savings accounts. The moneys in the account may be spent only for the purposes of the Washington achieving a better life experience program.

(6) The investment manager shall routinely consult and communicate with the governing board on the investment policy, earnings of the account, and related needs of the program. [2018 c 76 s 3; 2016 c 39 s 3.]

RCW 43.330.466 Washington achieving a better life experience program—Established—Governing board—Administrative support—Colocation with developmental disabilities endowment governing board—Advisory committees—Interagency agreements—Limited liability. The

Washington achieving a better life experience program is established and the governing board is authorized to design and administer the Washington achieving a better life experience program in the best interests of eligible individuals. To the extent funds are appropriated for this purpose, the director of the department shall provide staff and administrative support to the governing board. The department shall consult with the governing board regarding the staffing and administrative support needs before selecting any staff pursuant to this section. To the extent practicable, the Washington achieving a better life experience program must be colocated with the developmental disabilities endowment governing board established under this chapter.

(1) The governing board shall consist of seven members as follows:

(a) The state treasurer or his or her designee;

(b) The program director for the committee on advanced tuition payment established in RCW 28B.95.020;

(c) The director of the office of financial management or his or her designee; and

(d) Four members with demonstrated financial, legal, or disability program experience, appointed by the governor.

(2) The board shall select the chair of the board from among the seven board members identified in subsection (1) of this section.

(3) Members of the board who are appointed by the governor shall serve four-year terms and may be appointed for successive four-year terms at the discretion of the governor. The governor may stagger the terms of the appointed members.

(4) Members of the board must be compensated for their service under RCW 43.03.240 and must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The board shall meet periodically as specified by the chair, or a majority of the board, and may allow members to participate in meetings remotely.

(6) The board may appoint advisory committees to support the design or administration of the Washington achieving a better life experience program. Individuals serving on advisory committees must serve staggered terms and may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, but may not be compensated for their service.

(7) The board may execute interagency agreements that authorize other state agencies such as the committee on advanced tuition payment established in RCW 28B.95.020 to perform administrative functions necessary to carry out the Washington achieving a better life experience program.

(8) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the Washington achieving a better life experience program account or the individual program accounts. Neither of these two boards are liable for the action or inaction of the other.

(9) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board may purchase liability insurance for members. [2016 c 39 s 4.]

RCW 43.330.468 Washington achieving a better life experience program—Governing board authority. (1) The Washington achieving a better life experience program governing board is authorized to design, administer, manage, promote, and market the Washington achieving a better life experience program. The governing board is further authorized to contract with other organizations to administer, manage, promote, or market the Washington achieving a better life experience program. This program must allow for the creation of savings or investment accounts for eligible individuals with disabilities and the funds must be invested.

(2) The governing board may consult with the office of the state treasurer, the department of social and health services, and the state investment board in implementing the Washington achieving a better life experience program. The governing board is authorized to formulate and adopt any policies and rules necessary to implement and operate the Washington achieving a better life experience program consistent with chapter 39, Laws of 2016. The governing board is further authorized to establish a reasonable fee structure for Washington achieving a better life experience program account holders.

(3) The governing board shall take any action required to keep the program in compliance with requirements of this chapter and as required to qualify as a "qualified ABLE program" as defined in section 529A of the federal internal revenue code of 1986, as amended, or any rules and regulations adopted by the secretary of the United States treasury pursuant to that act. [2016 c 39 s 5.]

RCW 43.330.480 Low-income home rehabilitation revolving loan program and grant program—Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Home" means a single-family residential structure.

(2) "Home rehabilitation" means residential repairs and improvements that address health, safety, and durability issues in existing housing in rural areas.

(3) "Homeowner" means a person who owns and resides permanently in the home the person occupies.

(4) "Low-income" means persons or households with income at or below 200 percent of the federal poverty level, 80 percent of the area median income for the county in which the home receiving rehabilitation is located, or 60 percent of the state median income, whichever is greater, and adjusted for household size.

(5) "Rehabilitation agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for rehabilitating residences under this chapter and has been approved by the department.

(6) "Rural areas" means areas of Washington state defined as nonentitlement areas by the United States department of housing and urban development. [2023 c 380 s 1; 2017 c 285 s 1.]

Effective date—2023 c 380 ss 1-6: See note following RCW 43.330.483.

RCW 43.330.482 Low-income home rehabilitation revolving loan program—Terminated. ***(Contingent repeal.)*** (1) On July 1, 2023, the low-income home rehabilitation revolving loan program is terminated except for purposes of addressing outstanding loans as provided in this section, and the department and partnering rehabilitation agencies must immediately cease issuing new loans under the program.

(2) The department must allow participating homeowners to defer repayment of the loan principal and interest and any fees related to the administration or issuance of the loan. Any amounts deferred pursuant to this section become a lien in favor of the state. The lien is subordinate to liens for general taxes, amounts deferred under chapter 84.37 or 84.38 RCW, or special assessments as defined in RCW 84.38.020. The lien is also subordinate to the first deed of trust or the first mortgage on the real property but has priority over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded. The department must take such necessary action to file and perfect the state's lien.

(3) The balance of any loan previously issued under this section that is outstanding as of July 1, 2023, is forgiven. The forgiveness applies to all remaining amounts owed, including loan principal, interest, and fees. Loan forgiveness is not retroactive, and does not apply to any loans issued under this section paid in full before July 1, 2023.

(4) All moneys from repayments must be deposited into the low-income home rehabilitation account created in RCW 43.330.488.

(5) The department must adopt rules for implementation of this program. [2023 c 380 s 2; 2017 c 285 s 2.]

Contingent repeal—2023 c 380: "The following acts or parts of acts are each repealed:

(1) RCW 43.330.482 (Low-income home rehabilitation revolving loan program) and 2023 c 380 s 2 & 2017 c 285 s 2; and

(2) RCW 43.330.486 (Low-income home rehabilitation revolving loan program—Contracts with rehabilitation agencies—Reports) and 2017 c 285 s 3." [2023 c 380 s 7.]

Contingent effective date—2023 c 380 s 7: "(1) Section 7 of this act takes effect on July 1st of the year following the closure of the last loan issued under the low-income home rehabilitation revolving loan program.

(2) The department of commerce must provide written notice of the effective date of section 7 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department." [2023 c 380 s 8.]

Effective date—2023 c 380 ss 1-6: See note following RCW 43.330.483.

RCW 43.330.483 Low-income home rehabilitation grant program. (1) Subject to availability of amounts appropriated for this specific purpose, the low-income home rehabilitation grant program is created within the department.

(2) The program must include the following elements:

(a) Eligible homeowners must be low-income and live in rural areas.

(b) Homeowners who are senior citizens, persons with disabilities, families with children five years old and younger, and veterans must receive priority for grants.

(c) The cost of the home rehabilitation must be the lesser of:

(i) 80 percent of the assessed or appraised value of the property post rehabilitation, whichever is greater; or

(ii) $50,000.

(d) The maximum amount that may be granted under this program may not exceed the cost of the home rehabilitation as provided in (c) of this subsection.

(3) The department must adopt rules for implementation of this grant program.

(4) Notwithstanding RCW 43.330.480(2) and subsection (2)(a) of this section, for the 2025-2027 fiscal biennium, amounts appropriated for low-income home rehabilitation projects impacted by the weather event described in emergency proclamation 25-07.2 are not limited to homeowners in rural areas. [2026 c 259 s 8011; 2023 c 380 s 3.]

Conflict with federal requirements—Effective date—2026 c 259: See note following RCW 43.79.565.

Effective date—2023 c 380 ss 1-6: "Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023." [2023 c 380 s 9.]

RCW 43.330.486 Low-income home rehabilitation revolving loan program—Contracts with rehabilitation agencies—Reports. ***(Contingent repeal.)*** (1) The department must contract with rehabilitation agencies to provide home rehabilitation to participating homeowners. Preference must be given to local agencies delivering programs and services with similar eligibility criteria.

(2) Any rehabilitation agency may charge participating homeowners an administrative fee of no more than seven percent of the home rehabilitation loan amount. The administrative fee must become a component of the total loan amount to be repaid by the participating homeowner.

(3) Any rehabilitation agency receiving funding under this section must report to the department at least quarterly, or in alignment with federal reporting, whichever is the greater frequency, the project costs and the number of homes repaired or rehabilitated. The director must review the accuracy of these reports. [2017 c 285 s 3.]

Contingent repeal—2023 c 380: See note following RCW 43.330.482.

RCW 43.330.487 Low-income home rehabilitation grant program—Contracts with rehabilitation agencies—Reports. (1) The department must contract with rehabilitation agencies to provide home rehabilitation to participating homeowners. Preference must be given to local agencies delivering programs and services with similar eligibility criteria.

(2) Any rehabilitation agency receiving funding under this section must report to the department at least quarterly, or in alignment with federal reporting, whichever is the greater frequency, the project costs and the number of homes repaired or rehabilitated. The department must review the accuracy of these reports. [2023 c 380 s 4.]

Effective date—2023 c 380 ss 1-6: See note following RCW 43.330.483.

RCW 43.330.488 Low-income home rehabilitation account. The low-income home rehabilitation account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the low-income home rehabilitation revolving loan program created in RCW 43.330.482 and the low-income home rehabilitation grant program created in RCW 43.330.483. After July 1, 2023, the director may expend moneys in the account only for wind-down costs of the loan program in RCW 43.330.482 until the loan program terminates pursuant to chapter 380, Laws of 2023, and for the grant program created in RCW 43.330.483. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2023 c 380 s 5; 2017 c 285 s 4.]

Effective date—2023 c 380 ss 1-6: See note following RCW 43.330.483.

RCW 43.330.500 Life sciences discovery fund. The life sciences discovery fund is created in the custody of the state treasurer. Only the department or the department's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of RCW 43.330.502. Administrative expenses of the department, including staff support, are limited to actual costs incurred by the department in designating the nonprofit organization and in monitoring and collecting grant payback funds. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to former RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the 2017-2019 fiscal biennium, the legislature may make appropriations from the fund to the department of commerce for providing life sciences research grants. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2019 c 83 s 4; 2018 c 299 s 924; 2016 sp.s. c 36 s 937; 2011 c 5 s 916; 2005 c 424 s 8. Formerly RCW 43.350.070.]

Effective date—2018 c 299: See note following RCW 43.41.433.

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Effective date—2011 c 5: See note following RCW 43.03.220.

RCW 43.330.502 Life sciences discovery fund—Grants and contracts by department. (1) The department must contract with a statewide nonprofit organization to either provide services or make grants, or both, to entities pursuant to a contract to foster growth of the state's life science sector and to improve the health and economic well-being of its residents. The statewide nonprofit organization must be a statewide organization established with a primary mission of growing and sustaining the life science ecosystem within the state of Washington by supporting life science entrepreneurs and connecting life science researchers, and biopharmaceutical, medical device, digital health, and health information technology companies to the resources they need to accelerate life science innovation.

(2) The department may also contract with the organization selected under subsection (1) of this section to monitor and collect life science[s] discovery fund grant payback funds.

(3) Grant agreements made pursuant to subsection (1) of this section must specify deliverables to be provided by the recipient under the grant. The nonprofit organization selected pursuant to subsection (1) of this section must evaluate requests for funding by reference to factors such as: (a) The quality of the proposed research or project; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, provide a substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) the potential for leveraging additional funding; (d) the potential to provide health care benefits or a benefit to human learning and development; (e) the potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) the ability to provide critical life science infrastructure; (g) the potential for attracting new investment or catalytic partnerships in the life sciences; (h) the geographic diversity of the grantees within Washington; and (i) evidence of public and private collaboration.

(4) Before conducting a significant grant competition, the nonprofit organization selected under subsection (1) of this section must adopt policies and procedures to facilitate the orderly process of grant application, review, and reward; and may create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research to assist in grant evaluation. [2019 c 83 s 1.]

RCW 43.330.504 Life sciences discovery fund—Department powers. In carrying out its duties under RCW 43.330.502, the department may: (1) Sue and be sued on behalf of the life sciences discovery fund; (2) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (3) employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as necessary; (4) establish such special funds, and controls on deposits to and disbursements from them; and (5) adopt rules for the

implementation of chapter 83, Laws of 2019. [2019 c 83 s 2; 2005 c 424 s 5. Formerly RCW 43.350.040.]

RCW 43.330.506 Life sciences discovery fund—Limitation of liability. Members of the governing board of trustees of the life sciences discovery fund authority and persons acting on behalf of the authority, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under former chapter 43.350 RCW. The state, the life sciences discovery fund authority, and the department are not liable for any loss, damage, harm, or other consequence resulting directly or indirectly from grants made by the authority or by any life sciences research funded by such grants. [2019 c 83 s 3; 2005 c 424 s 6. Formerly RCW 43.350.050.]

RCW 43.330.510 Keep Washington working statewide work group. (1) A keep Washington working statewide work group is established within the department. The work group must:

(a) Develop strategies with private sector businesses, labor, and immigrant advocacy organizations to support current and future industries across the state;

(b) Conduct research on methods to strengthen career pathways for immigrants and create and enhance partnerships with projected growth industries;

(c) Support business and agriculture leadership, civic groups, government, and immigrant advocacy organizations in a statewide effort to provide predictability and stability to the workforce in the agriculture industry; and

(d) Recommend approaches to improve Washington's ability to attract and retain immigrant business owners that provide new business and trade opportunities.

(2) The work group must consist of eleven representatives, each serving a term of three years, representing members from geographically diverse immigrant advocacy groups, professional associations representing business, labor organizations with a statewide presence, agriculture and immigrant legal interests, faith-based community nonprofit organizations, legal advocacy groups focusing on immigration and criminal justice, academic institutions, and law enforcement. The terms of the members must be staggered. Members of the work group must select a chair from among the membership. The work group must meet at least four times a year and hold meetings in various locations throughout the state. Following each meeting, the work group must report on its status, including meeting minutes and a meeting summary to the department. The department must provide a report to the legislature annually.

(3) In addition to the duties and powers described in RCW 43.330.040, it is the director's duty to provide support to the work group.

(4) The definitions in RCW 43.17.420 apply to this section. [2019 c 440 s 3.]

Findings—Construction—Conflict with federal requirements—Effective date—2019 c 440: See notes following RCW 43.17.425.

RCW 43.330.515 Military installation incompatible development—Defense community compatibility account—Grants. (1) The defense community compatibility account is created in the state treasury. Revenues to the account consist of appropriations by the legislature, private contributions, and all other sources deposited in the account.

(2)(a) Expenditures from the account may only be used for grants to local governments, federally recognized Indian tribes, or entities who have entered into an agreement with a military installation in the state under the United States department of defense readiness and environmental protection integration program for purposes of the programs established in subsection (3) of this section, including administrative expenses. Only the director or the director's designee may authorize expenditures. In order for the director or the director's designee to authorize an expenditure for the purpose identified in subsection (3) of this section, both nonstate and applicant funds must be committed to the same purposes or project as the state expenditure.

(b) An applicant must submit an application to the department in order to be eligible for funding under this subsection, and the department may not expend money on a project for which an applicant has not applied to the department to carry out the project.

(3)(a) The department may expend moneys from the account to provide state funds for capital projects identified by applicants to address incompatible development connected to Washington state military installations. For purposes of this section, "incompatible development" includes land development and military operations that impact the economy, environment, or quality of life opportunities for local communities.

(b) The department must evaluate and rank applications using objective criteria such as a community cost-benefit analysis, must consider recommendations from a citizens advisory commission comprised of representatives of community stakeholders impacted by military installations or their operations, must hold public hearings at least ninety days prior to any funding decision, and may consider the degree to which each project is compatible with the criteria established in the United States department of defense's readiness and environmental protection integration program. When ranking applications, the department must give priority to grant applications:

(i) That have secured federal or other nonstate funding for the project;

(ii) That leverage a higher proportion of federal or other nonstate funding;

(iii) In which the federal grant requires state match in a timely manner; or

(iv) Accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners.

(c) Eligible projects may include:

(i) Acquisition of real property or real property interests to eliminate an existing incompatible use;

(ii) Projects to jointly assist in the recovery or protection of endangered species dependent on military installation property for habitat;

(iii) Projects to increase the availability of housing affordable to enlisted military personnel and nonmilitary residents in the local community;

(iv) Projects to retrofit existing uses to increase their compatibility with existing or future military operations;

(v) Projects to enable local communities heavily dependent on a nearby military installation to diversify the local economy so as to reduce the economic dependence on the military base;

(vi) Projects that aid communities to replace jobs lost in the event of a reduction of the military presence; and

(vii) Projects that improve or enhance aspects of the local economy, environment, or quality of life impacted by the presence of military activities.

(4) The department may adopt rules to implement this section. [2023 c 438 s 1; 2019 c 404 s 1.]

RCW 43.330.520 Military installation incompatible development—Project list—Report. (1) The department must produce a biennial report identifying a list of projects to address incompatible developments near military installations.

(a) The list must include a description of each project, the estimated cost of the project, the amount of recommended state funding, and the amount of any federal or local funds documented to be available to be used for the project.

(b) Projects on the list must be prioritized with consideration given to:

(i) The recommendations of the recent United States department of defense base realignment and closure (BRAC) processes, joint land use studies, or other federally initiated land use processes; and

(ii) Whether a branch of the United States armed forces has identified the project as increasing the viability of military installations for current or future missions.

(c) The department may consult with the commanders of United States military installations in Washington to understand impacts and identify the viability of community identified projects to reduce incompatibility.

(2) The department must submit the report to appropriate committees of the house of representatives and the senate, including the joint committee on veterans' and military affairs and the house of representatives capital budget committee, by November 1, 2024, and every two years thereafter. [2023 c 438 s 2; 2021 c 332 s 7039; 2019 c 404 s 2.]

Effective date—2021 c 332: See note following RCW 43.19.501.

RCW 43.330.530 Broadband office—Definitions. The definitions in this section apply throughout this section and RCW 43.330.532 through 43.330.538, 43.330.412, 43.330.5393, and 43.330.5395 unless the context clearly requires otherwise.

(1)(a) "Advanced telecommunications capability" means, without regard to any transmission media or technology, high-speed, switched, broadband telecommunications capability that enables users to originate and receive high quality voice, data, graphics, and video telecommunications using any technology.

(b) "Advanced telecommunications capability" does not include access to a technology that delivers transmission speeds below the minimum download and upload speeds provided in the definition of broadband in this section.

(2) "Aging individual" means an individual 55 years of age or older.

(3) "Board" means the public works board established in RCW 43.155.030.

(4) "Broadband" or "broadband service" means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide 100 megabits per second download and 20 megabits per second upload.

(5) "Broadband adoption" means the process by which an individual obtains daily access to the internet:

(a) At a speed, quality, price, and capacity necessary for the individual to accomplish common tasks, such that the access qualifies as an advanced telecommunications capability;

(b) Providing individuals with the digital skills necessary to participate online;

(c) On a device connected to the internet and other advanced telecommunications services via a secure and convenient network, with associated end user broadband infrastructure equipment such as wifi mesh router or repeaters to enable the device to adequately use the internet network; and

(d) With technical support and digital navigation assistance to enable continuity of service and equipment use and utilization.

(6) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

(7) "Department" means the department of commerce.

(8) "Digital equity" means the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society and the economy.

(9)(a) "Digital inclusion" means the activities that are necessary to ensure that all individuals in Washington have access to, and the use of, affordable information and communication technologies including, but not limited to:

(i) Reliable broadband internet service;

(ii) Internet-enabled devices that meet the needs of the user; and

(iii) Applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration.

(b) "Digital inclusion" also includes obtaining access to digital literacy training, the provision of quality technical support, and obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(10) "Digital literacy" means the skills associated with using technology to enable users to use information and communications technologies to find, evaluate, organize, create, and communicate information.

(11) "Last mile infrastructure" means broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment.

(12) "Local government" includes cities, towns, counties, municipal corporations, public port districts, public utility

districts, quasi-municipal corporations, special purpose districts, and multiparty entities comprised of public entity members.

(13) "Low-income" means households as defined by the department of social and health services, provided that the definition may not exceed the higher of 80 percent of area median household income or the self-sufficiency standard as determined by the University of Washington's self-sufficiency calculator.

(14) "Middle mile infrastructure" means broadband infrastructure that links a broadband service provider's core network infrastructure to last mile infrastructure.

(15) "Office" means the governor's statewide broadband office established in RCW 43.330.532.

(16) "Tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

(17) "Underserved population" means any of the following:

(a) Individuals who live in low-income households;

(b) Aging individuals;

(c) Incarcerated individuals;

(d) Veterans;

(e) Individuals with disabilities;

(f) Individuals with a language barrier, including individuals who are English learners or who have low levels of literacy;

(g) Individuals who are members of a racial or ethnic minority group;

(h) Individuals who primarily reside in a rural area;

(i) Children and youth in foster care; or

(j) Individuals experiencing housing instability.

(18) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service, as defined by the office. [2022 c 265 s 301; 2022 c 237 s 2; 2019 c 365 s 2.]

Reviser's note: (1) The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

(2) This section was amended by 2022 c 237 s 2 and by 2022 c 265 s 301, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2022 c 265 ss 101, 102, 301-305, and 401: "Sections 101, 102, 301 through 305, and 401 of this act take effect July 1, 2023." [2022 c 265 s 502.]

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

Intent—2022 c 237: "The legislature recognizes the statewide broadband office's objective of scalability while appreciating that a digital economy will continue to drive higher and higher speeds. Therefore, the legislature intends to move towards adequate connectivity in terms of the needs of economic development, education, and telehealth services." [2022 c 237 s 1.]

Findings—2019 c 365: See note following RCW 43.330.532.

RCW 43.330.532 Broadband office—Established—Purpose. (1) The governor's statewide broadband office is established. The director of

the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility and adoption for unserved and underserved communities and populations. [2022 c 265 s 302; 2021 c 258 s 2; 2019 c 365 s 3.]

Effective date—2022 c 265 ss 101, 102, 301-305, and 401: See note following RCW 43.330.530.

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

Findings—Intent—2021 c 258: See note following RCW 47.44.160.

Findings—2019 c 365: "The legislature finds that:

(1) Access to broadband is critical to full participation in society and the modern economy;

(2) Increasing broadband access to unserved areas of the state serves a fundamental governmental purpose and function and provides a public benefit to the citizens of Washington by enabling access to health care, education, and essential services, providing economic opportunities, and enhancing public health and safety;

(3) Achieving affordable and quality broadband access for all Washingtonians will require additional and sustained investment, research, local and community participation, and partnerships between private, public, and nonprofit entities;

(4) The federal communications commission has adopted a national broadband plan that includes recommendations directed to federal, state, and local governments, including recommendations to:

(a) Design policies to ensure robust competition and maximize consumer welfare, innovation, and investment;

(b) Ensure efficient allocation and management of assets that the government controls or influences to encourage network upgrades and competitive entry;

(c) Reform current universal service mechanisms to support deployment in high-cost areas, ensuring that low-income Americans can afford broadband, and supporting efforts to boost adoption and utilization; and

(d) Reform laws, policies, standards, and incentives to maximize the benefits of broadband in sectors that government influences significantly, such as public education, health care, and government operations;

(5) Extensive investments have been made by the telecommunications industry and the public sector, as well as policies and programs adopted to provide affordable broadband services

throughout the state, that will provide a foundation to build a comprehensive statewide framework for additional actions needed to advance the state's broadband goals; and

(6) Providing additional funding mechanisms to increase broadband access in unserved areas is in the best interest of the state. To that end, this act establishes a grant and loan program that will support the extension of broadband infrastructure to unserved areas. To ensure this program primarily serves the public interest, the legislature intends that any grant or loan provided to a private entity under this program must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years." [2019 c 365 s 1.]

RCW 43.330.534 Broadband office—Powers and duties. (1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, public housing agencies, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160, the digital equity opportunity program created in RCW 43.330.412, and the digital equity planning grant program created in RCW 43.330.5393 with seeking federal funding or matching grants and other grant opportunities for deploying or increasing adoption of broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) The office shall coordinate an outreach effort to hard-to-reach communities and low-income communities across the state to provide information about broadband programs available to consumers of these communities. The outreach effort must include, but is not limited to, providing information to applicable communities about the federal lifeline program and other low-income broadband benefit programs. The outreach effort must be reviewed by the office of equity annually. The office may contract with other public or private entities to conduct outreach to communities as provided under this subsection.

(6) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, Washington technology solutions, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies. [2024 c 54 s 53; 2022 c 265 s 303; 2021 c 258 s 3; 2019 c 365 s 4.]

Effective date—2022 c 265 ss 101, 102, 301-305, and 401: See note following RCW 43.330.530.

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

Findings—Intent—2021 c 258: See note following RCW 47.44.160.

Findings—2019 c 365: See note following RCW 43.330.532.

RCW 43.330.536 Broadband office—Goals. It is a goal of the state of Washington that:

(1) By 2024, all Washington businesses and residences have access to high-speed broadband that provides minimum download speeds of at least twenty-five megabits per second and minimum upload speeds of at least three megabits per second;

(2) By 2026, all Washington communities have access to at least one gigabit per second symmetrical broadband service at anchor institutions like schools, hospitals, libraries, and government buildings; and

(3) By 2028, all Washington businesses and residences have access to at least one provider of broadband with download speeds of at least one hundred fifty megabits per second and upload speeds of at least one hundred fifty megabits per second. [2019 c 365 s 5.]

Findings—2019 c 365: See note following RCW 43.330.532.

RCW 43.330.538 Broadband office—Reports. (1)(a) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

(b) The report must, at a minimum, contain:

(i) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(ii) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(iii) An overview of incumbent broadband infrastructure within the state;

(iv) A summary of the office's activities in coordinating broadband infrastructure development with the department of transportation and the public works board, including a summary of funds awarded under RCW 43.155.160;

(v) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

(vi) Any proposed legislative and policy initiatives.

(2)(a) By December 31, 2022, the office must submit a report to the governor and the appropriate committees of the legislature regarding the provision of retail telecommunications services to unserved areas by public utility districts and port districts as provided in RCW *54.16.330(10) and 53.08.370(10).

(b) The report must, at a minimum, contain:

(i) The number of public utility districts and port districts providing retail telecommunications services in an unserved area authorized in RCW *54.16.330(10) and 53.08.370(10); and

(ii) Any recommendations to improve the provision of retail telecommunications services in unserved areas. [2021 c 293 s 4; 2021 c 258 s 4; 2019 c 365 s 6.]

Reviser's note: *(1) RCW 54.16.330 was amended by 2023 c 470 s 1011, changing subsection (10) to subsection (9).

(2) This section was amended by 2021 c 258 s 4 and by 2021 c 293 s 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—2021 c 293: See note following RCW 54.16.330.

Findings—Intent—2021 c 258: See note following RCW 47.44.160.

Findings—2019 c 365: See note following RCW 43.330.532.

RCW 43.330.539 Broadband office—Digital equity plan. (1) The office, in consultation with the digital equity forum, the utilities and transportation commission, and the department of social and health services, must develop a state digital equity plan.

(a) The office must seek any available federal funding for purposes of developing and implementing the state digital equity plan.

(b) The state digital equity plan must include such elements as the office determines are necessary to leverage federal funding.

(2) In developing the plan, the office must identify measurable objectives for documenting and promoting digital equity among underserved communities located in the state.

(3) By December 1, 2023, the office must submit a report to the governor and the appropriate committees of the legislature, including the following:

(a) The digital equity plan described in subsection (1) of this section and measurable objectives described in subsection (2) of this section;

(b) A description of how the office collaborated with the membership of the digital equity forum, state agencies, and key stakeholders to develop the plan including, but not limited to, the following:

(i) Community anchor institutions;

(ii) Local governments;

(iii) Local educational agencies;

(iv) Entities that carry out workforce development programs; and

(v) Broadband service providers;

(c) A description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and

(d) Recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents. This may include recommendations of ongoing subsidies that the state can provide to low-income individuals and anchor institutions, as well as identification of revenue sources that other states or jurisdictions have developed to fund such subsidies or discounted rates.

(4) For the purpose of this section, "office" means the statewide broadband office established in RCW 43.330.532. [2022 c 265 s 201.]

Short title—2022 c 265: "This act may be known and cited as the digital equity act." [2022 c 265 s 101.]

Findings—Intent—2022 c 265: "(1) The legislature finds that:

(a) Access to the internet is essential to participating in modern day society including, but not limited to, attending school and work, accessing health care, paying for basic services, connecting with family and friends, civic participation, and economic survival.

(b) For too many people in both rural and urban areas, the cost of being online is unaffordable. The legislature recognizes that building the last mile of broadband to the home is prohibitively expensive and that urban areas that are home to people earning low incomes continue to face digital redlining. Across the state there is a lack of affordable plans, barriers to enrolling in appropriate broadband plans, and barriers to fully utilize the opportunities that broadband offers.

(c) The COVID-19 pandemic has further highlighted the need for affordable access, devices, and skills to use the internet.

(d) The need for more accessible and affordable internet is felt more acutely among specific sectors of the population, especially Washington residents in rural areas, people who are currently earning low incomes, seniors and others who lack the skills necessary to get online, people with first languages other than English, immigrant communities, and people with disabilities.

(e) The federal government is allocating considerable sums for investment in digital equity that the state broadband office will help to leverage for residents across Washington. Continued comprehensive efforts, including coordination with tribal partners, are needed to ensure truly equitable access. The legislature recognizes that there will be a need for ongoing development and maintenance of broadband

infrastructure. The legislature also recognizes that there is a need for ongoing outreach by community-based partnerships to provide enrollment assistance to lower the cost of internet subscriptions and devices.

(2) Therefore, the legislature intends to broaden access to the internet, the appropriate devices, and the skills to operate online safely and effectively so that all people in Washington can fully participate in our society, democracy, and economy by expanding assistance and support programs offered in the state and establishing the governor's statewide broadband office as a central access point to such programs." [2022 c 265 s 102.]

RCW 43.330.5393 Digital equity planning grant program. (1) Subject to the availability of funds appropriated for this specific purpose, the department shall establish a digital equity planning grant program.

(2)(a) This program must provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state. Only the director or the director's designee may authorize expenditures.

(b) Priority must be given for grant applications:

(i) Accompanied by express support from community or neighborhood-based nonprofit organizations, public development authorities, federally recognized Indian tribes in the state, or other community partners and partners from the categories of institutions identified in RCW 43.330.421; and

(ii) That intend to use community-based participatory action research methods as a part of the proposed plan.

(3) An applicant must submit an application to the department in order to be eligible for funding under this section.

(4) The digital equity forum shall review grant applications and provide input to the department regarding the prioritization of applications in awarding grants among eligible applicants under the program.

(5) The department must:

(a) Pursuant to subsection (2)(b) of this section, evaluate and rank applications using objective criteria such as the number of underserved populations served and subjective criteria such as the degree of support and engagement evidenced by the community who will be served;

(b) Consider the input provided by the forum, as provided in subsection (4) of this section, in awarding grants under the digital equity planning grant program; and

(c) Consider the extent to which the mix of grants awarded would increase in the number of prekindergarten through 12th grade students gaining access to greater levels of digital inclusion as a factor in awarding grants under the digital equity planning grant program.

(6) The department shall develop criteria for what the digital equity plans must include.

(7) The department may adopt rules to implement this section. [2022 c 265 s 305.]

Effective date—2022 c 265 ss 101, 102, 301-305, and 401: See note following RCW 43.330.530.

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

RCW 43.330.5395 Digital equity forum. (1) The Washington digital equity forum is established for the purpose of developing recommendations to advance digital connectivity in Washington state and advising the statewide broadband office on the digital equity opportunity program as provided under RCW 43.330.412 and the digital equity planning grant program as provided under RCW 43.330.5393.

(2) In developing its recommendations to advance digital connectivity, the forum must:

(a) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;

(b) Strengthen public-private partnerships;

(c) Solicit public input through public hearings or informational sessions;

(d) Work to increase collaboration and communication between local, state, and federal governments and agencies; and

(e) Recommend reforms to current universal service mechanisms.

(3) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the digital equity forum and no appointment may be made unless each director concurs in the appointment. In making appointments, the directors must prioritize appointees representing:

(a) Federally recognized tribes;

(b) State agencies involved in digital equity; and

(c) Underserved and unserved communities, including historically disadvantaged communities.

(4) A majority of the participating members appointed by the directors must appoint an administrative chair for the forum.

(5) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows:

(a) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and

(b) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(6)(a) Funds appropriated to the forum may be used to compensate, for any work done in connection with the forum, additional persons who have lived experience navigating barriers to digital connectivity and digital equity.

(b) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(7) Staff for the digital equity forum must be provided by the governor's statewide broadband office and the Washington state office of equity. The governor's statewide broadband office and the Washington state office of equity are jointly responsible for transmitting the recommendations of the digital equity forum to the legislature, consistent with RCW 43.01.036, by October 28, 2025, and every odd-numbered year thereafter. [2022 c 265 s 306.]

Short title—Findings—Intent—2022 c 265: See notes following RCW 43.330.539.

RCW 43.330.540 Cannabis social equity technical assistance grant program. (1) The cannabis social equity technical assistance grant program is established and is to be administered by the department.

(2)(a) The cannabis social equity technical assistance grant program must award grants to:

(i) Cannabis license applicants who are social equity applicants as defined in RCW 69.50.335 submitting social equity plans as defined in RCW 69.50.101; and

(ii) Cannabis licensees holding a license issued after April 1, 2023, and before July 1, 2024, who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after April 1, 2023, and before July 1, 2024, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding include, but are not limited to:

(a) Assistance navigating the cannabis licensure process;

(b) Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing;

(e) Strengthening a social equity plan as defined in RCW 69.50.101; and

(f) Connecting social equity applicants with established industry members and tribal cannabis enterprises and programs for mentoring and other forms of support.

(4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51 percent minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the cannabis social equity technical assistance grant program must be provided under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided under RCW 69.50.101. [2023 c 220 s 1; 2022 c 16 s 36; 2021 c 169 s 1; 2020 c 236 s 3.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Findings—Intent—2020 c 236: See note following RCW 69.50.335.

RCW 43.330.542 Environmental justice obligations of the department of commerce. The department must apply and comply with the substantive and procedural requirements of chapter 70A.02 RCW. [2021 c 314 s 8.]

Conflict with federal requirements—2021 c 314: See note following RCW 70A.02.005.

RCW 43.330.545 Community engagement grants—Law enforcement. ***(Expires January 1, 2029.)*** (1) Subject to the availability of amounts appropriated for this specific purpose, a project is created in the department to foster community engagement through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement. The department shall administer the project. The project must include funding for programs delivering services in a range of rural and urban counties across Washington.

(2) The department shall adopt policies and procedures necessary to administer the project including: (a) An application process; (b) disbursement of the grant award to selected applicants; (c) tracking compliance and proper use of funds; and (d) measuring outcomes.

(3) Eligible applicants must:

(a) Be a public agency or nongovernmental organization;

(b) Have demonstrated experience with community engagement initiatives that impact public safety;

(c) Include community engagement in their services;

(d) Have established or be willing to establish a coordinated effort with committed partners, which must include law enforcement and organizations committed to diversity, equity, and inclusion of community members, including organizations whose leadership specifically reflects the communities most impacted by racism; and

(e) Have established priorities, policies, and measurable goals in compliance with the requirements of the project as provided in subsection (5) of this section.

(4) A law enforcement agency applying for a grant award shall not be considered an eligible applicant unless there are no other eligible applicants from the community or county the law enforcement agency serves.

(5) The grant recipient shall:

(a) Lead and facilitate neighborhood organizing initiatives, including:

(i) Empowering community members with tools, skills, confidence, and connections to identify, eradicate, and prevent illegal activity;

(ii) Making neighborhood improvements to deter future criminal activity; or

(iii) Educating community members regarding how to connect with city, county, and law enforcement resources;

(b) Build substantive law enforcement-community partnerships, including:

(i) Building trust between community members and law enforcement by facilitating purposeful antiracist practices and the development of policies that lead to equal treatment under the law;

(ii) Establishing clear expectations for law enforcement to be competent to practice fair and equitable treatment including facilitating dialogue between law enforcement and community members to increase understanding of the impact of historical racist practices and current conflicts;

(iii) Community members regularly informing law enforcement, through presentations, workshops, or forums, on community perceptions of law enforcement and public safety issues;

(iv) Educating community members on the role and function of law enforcement in the community;

(v) Clarifying expectations of law enforcement and of the role of the community in crime prevention;

(vi) Educating community members on the best practices for reporting emergency and nonemergency activities;

(vii) Recognizing community members for effective engagement and community leadership; and

(viii) Recognizing law enforcement officials for efforts to engage underrepresented communities, improve community engagement and empowerment, and reform law enforcement practices;

(c) Mobilize youth to partner with neighborhood groups and law enforcement to prevent violence by:

(i) Helping them develop knowledge and skills to serve as leaders in their communities;

(ii) Focusing on prevention of violence and substance abuse; or

(iii) Empowering youth to bring their voice to community issues that impact healthy police-community relations;

(d) Engage businesses to help prevent crimes, such as vandalism and burglaries, through safety training and other prevention initiatives;

(e) Provide training and technical assistance on how to implement community engagement, improving law enforcement and community partnership, youth engagement, and business engagement;

(f) Identify and maintain consistent, experienced, and committed leadership for managing the grant, including an administrator who acts as an available point of contact with the department; and

(g) Collect and report data and information required by the department.

(6) The department shall, in consultation with the Washington state institute for public policy, develop reporting guidelines for the grant recipients to measure whether the project had an impact on crime rates and community engagement with, and perceptions of, law enforcement. The department shall report to the appropriate legislative policy committees by December 1st every odd-numbered year with details on the implementation of the project and the outcomes of the reported data and information.

(7) This section expires January 1, 2029. [2023 c 189 s 1; 2021 c 327 s 2.]

Finding—2021 c 327: "The legislature finds that community engagement is a foundational principle of successful community policing practices. When individuals and neighborhood groups are encouraged to partner with law enforcement, a powerful alliance can be built on mutual trust and respect and mitigate polarization between

police departments and community groups. A successful community-police partnership leads to the achievement of shared goals of improving safety and quality of life and ensuring that public safety services are tailored to the needs of local communities.

The legislature recognizes current efforts in Washington to mobilize communities to insist on equitable and accountable practices that will result in community participation in public safety efforts as well as establish cooperative lines of communication between civilians and law enforcement. Laudable community engagement models such as the safe streets campaign in Pierce county, safe Yakima in Yakima county, and the Okanogan county community coalition are recognized to mitigate crime trends by engaging the community and law enforcement in cooperative efforts to improve public safety.

The department of commerce intends to foster community engagement with law enforcement officers through the creation of a community engagement project in 15 communities across the state of Washington with a mix of urban, rural, and suburban areas to facilitate community-law enforcement partnerships and improve police-community relations. The department will implement a project evaluation to measure and examine the impact of local initiatives on community engagement, neighborhood safety, and positive community-police relations.

The funded projects will facilitate the empowerment of communities to engage in crime prevention efforts through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement." [2021 c 327 s 1.]

RCW 43.330.550 Employer-supported child care—Technical assistance. (1) Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with the department of children, youth, and families, shall provide or contract to provide remote or in-person technical assistance to employers interested in supporting their employees' access to high quality child care.

(2) Technical assistance may include guidance related to:

(a) Operating a licensed child care center at or near the workplace for the benefit of employees;

(b) Financing and construction of a licensed child care center at or near the workplace for the benefit of employees;

(c) Providing financial assistance to employees for licensed or certified child care providers and license-exempt child care program expenses;

(d) Encouraging access and support for low-wage employees;

(e) Sponsoring dependent care flexible spending accounts for employees; and

(f) Developing a "bring your infant to work" program and other family-friendly work policies for employees. [2021 c 199 s 308.]

Short title—Findings—Intent—Conflict with federal requirements —2021 c 199: See notes following RCW 43.216.770.

RCW 43.330.560 Office of renewable fuels—Definitions. The definitions in this section apply throughout RCW 43.330.565,

43.330.570, and 43.330.575 unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Green electrolytic hydrogen" means hydrogen produced through electrolysis and does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock.

(3) "Office" means the statewide office of renewable fuels established in RCW 43.330.565.

(4) "Overburdened communities" has the same meaning as defined in RCW 70A.02.010.

(5) "Renewable fuel" means fuel produced using renewable resources and includes renewable hydrogen.

(6) "Renewable hydrogen" has the same meaning as defined in RCW 54.04.190.

(7) "Renewable resource" has the same meaning as defined in RCW 19.405.020. [2022 c 292 s 101.]

Findings—Intent—2022 c 292: See note following RCW 43.330.565.

RCW 43.330.565 Office of renewable fuels—Established. (1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff as necessary to carry out the office's duties as prescribed by chapter 292, Laws of 2022, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Further the development and use of alternative jet fuels as a productive industry in Washington;

(e) Enhance resiliency by using renewable fuels, alternative jet fuels, and green electrolytic hydrogen to support climate change mitigation and adaptations; and

(f) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts. [2023 c 232 s 5; 2022 c 292 s 102.]

Effective date—2023 c 232 ss 1-7: See note following RCW 70A.535.010.

Automatic expiration date exemption—2023 c 232: See note following RCW 82.04.287.

Intent—2023 c 232: See note following RCW 70A.535.010.

Findings—Intent—2022 c 292: "(1) The legislature finds that while hydrogen fuel has been used in a variety of applications in the state, the source of hydrogen has been derived from fossil fuel feedstocks, such as natural gas. Hydrogen is an essential building block and energy carrier molecule that is necessary in the production of conventional and renewable fuels and a valuable decarbonization tool when used in sectors such as marine, aviation, steel, aluminum, and cement, as well as surface transportation including heavy duty vehicles, such as transit, trucking, and drayage equipment. Hydrogen can be a carbon-free fuel with an energy per unit mass that is three to four times greater than jet fuel, whose energy can be extracted either through thermochemical (combustion) or electrochemical (fuel cell) processes. In both cases, the only by-product is water, instead of the greenhouse gases and other conventional and toxic pollutants that are emitted from using fossil fuels.

(2) The legislature further finds that the use of renewable hydrogen and hydrogen produced from carbon-free feedstocks through electrolysis is an essential tool to a clean energy ecosystem and emissions reduction for challenging infrastructure needs. Clean hydrogen fuel can be produced or "charged" closer to the generation of the electricity when the electrical supply grid has surplus energy, at times of low electricity use, such as evenings, then made available at times of higher need and convenient locations, such as fueling stations, avoiding the need to build or upgrade larger electrical infrastructure, including distribution systems, to meet higher peak demand for electricity.

(3) Therefore, the legislature intends by this act to establish policies and a framework for the state to become a national and global leader in the production and use of these hydrogen fuels. This act will create an office of renewable fuels to: Promote partnerships among industrial, transportation, agriculture, and commercial interests as well as fuel producers, the technology research sector, and public sector agencies; identify barriers to and opportunities for market development; provide greater clarity and certainty in regulatory and siting standards; provide incentives and financial assistance in the deployment of hydrogen fuel infrastructure; support a clean and just energy transition; help create good quality, clean energy jobs; and improve air quality in degraded areas, particularly in communities that have borne disproportionate levels of air pollution from the combustion of fossil fuels." [2022 c 292 s 1.]

RCW 43.330.570 Office of renewable fuels—Duties. (1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of alternative jet fuels and renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels, alternative jet fuels, and green electrolytic hydrogen initiatives, policies, and public and private investments, and tax and regulatory incentives, including

assessment of adequacy of feedstock supply and in-state feedstock, renewable fuels, and alternative jet fuels production;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in RCW 43.330.575.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, the alternative jet fuel work group established in RCW 28B.30.646, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment. [2023 c 232 s 6; 2022 c 292 s 103.]

Effective date—2023 c 232 ss 1-7: See note following RCW 70A.535.010.

Automatic expiration date exemption—2023 c 232: See note following RCW 82.04.287.

Intent—2023 c 232: See note following RCW 70A.535.010.

Findings—Intent—2022 c 292: See note following RCW 43.330.565.

RCW 43.330.575 Renewable fuels accelerator account. The renewable fuels accelerator account is created in the state treasury. Revenues to the account consist of appropriations made by the legislature, federal funds, gifts or grants from the private sector or foundations, and other sources deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes designated in RCW 43.330.565 and 43.330.570 and section 201, chapter 292, Laws of 2022. Only the director or the director's designee may authorize expenditures from the account. [2022 c 292 s 104.]

Effective date—2022 c 292 ss 104 and 201: "Sections 104 and 201 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 31, 2022]." [2022 c 292 s 501.]

Findings—Intent—2022 c 292: See note following RCW 43.330.565.

RCW 43.330.580 Substance use disorder treatment and services programs and recovery housing—Construction funds. (1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs and recovery housing in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs and recovery housing in underserved areas such as central and eastern Washington and rural areas. [2023 sp.s. c 1 s 15.]

RCW 43.330.590 Employee ownership program. *(Expires June 30, 2030.)* (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington employee ownership program is created to support the efforts of businesses considering a sale to an employee ownership structure. The Washington employee ownership program must be administered by the department and overseen by the Washington employee ownership commission established in RCW 43.330.592.

(2)(a) In implementing the Washington employee ownership program, the director must:

(i) Create a network of technical support and service providers for businesses considering employee ownership structures;

(ii) Work with state agencies whose regulations and programs affect employee-owned businesses, and businesses with the potential to become employee owned, to enhance opportunities and reduce barriers;

(iii) Partner with relevant private, nonprofit, and public organizations including, but not limited to, professional and trade associations, financial institutions, unions, small business development centers, economic and workforce development organizations, and nonprofit entities to promote employee ownership benefits and succession models;

(iv) Develop and make available materials regarding employee ownership benefits and succession models;

(v) Provide a referral service to help qualified business owners find appropriate legal, financial, and technical employee ownership resources and services;

(vi) Work with the department of financial institutions and appropriate state, private, and nonprofit entities to shape and implement guidance on lending to broad-based employee ownership vehicles;

(vii) Create an inventory of employee-owned businesses in the state including employee stock ownership plans, worker cooperatives, and employee ownership trusts; and

(viii) Subject to the successful award of federal funding for this purpose, establish a revolving loan program to assist existing small businesses to finance a transition to employee ownership.

(b) Loans offered by the revolving loan program must be used to help facilitate the purchase of an interest in an employee stock ownership plan or worker-owned cooperative from the owner or owners of a qualified business, provided that:

(i) The transaction results in the employee stock ownership plan or worker cooperative holding a majority interest in the business, on a fully diluted basis; and

(ii) If used to assist in the purchase of an interest in an employee stock ownership plan, the employee stock ownership plan: (A) Has appointed an independent trustee; or (B) has, as a trustee, person, or entity, completed education on best practices for employee stock ownership plans.

(c) Loans financing the sale of an interest to a worker cooperative shall be extended based on repayment ability and shall not require a personal or entity guarantee. In meeting the requirement in (b) of this subsection, lending guidelines must be established for worker cooperatives not based on any personal or entity guarantees provided by the member owners or the selling business owner. These guidelines may include but are not limited to cash flow-based underwriting, character-based lending, and reliance on business assets.

(d) In order to support the revolving loan program, the director or the director's designee must apply for federal funding opportunities that:

(i) Support capitalization of state revolving loan programs; and

(ii) Support businesses that seek to transition to employee ownership.

(e) Amounts from the repayment of loans offered by the revolving loan program must be deposited in the employee ownership revolving loan program account established in RCW 43.330.595.

(3) The director or the director's designee may contract with consultants, agents, or advisors necessary to further the purposes of this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, by December 1st each year, the department must submit a report to the appropriate committees of the legislature on program activities and the number of employee-owned businesses and employee-owned trusts in the state, including recommendations for improvement and barriers for businesses considering employee ownership structures in Washington state. The first report must include rules and guidelines for the administration of the program, as established by the Washington employee ownership commission.

(5) For the purposes of this section:

(a) "Employee-owned business" means:

(i) An employee cooperative established under chapter 23.78, 23.86, 23.100, or 24.06 RCW that has at least 50 percent of its board of directors consisting of, and elected by, its employees; or

(ii) An entity owned in whole or in part by employee stock ownership plans as defined in 26 U.S.C. Sec. 4975(e)(7).

(b) "Qualified business" means a person subject to tax under Title 82 RCW, including but not limited to a C corporation, S corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, or other similar pass-through entity, that is not owned in whole or in part by an employee ownership trust, that does not have an employee stock ownership plan, or that is not, in whole or in part, a worker-owned cooperative.

(6) Program support shall only be made available to businesses headquartered in Washington state. For the purposes of this section, "headquartered in Washington state" means that Washington state is its principal place of business or the state where it is incorporated.

(7) The director shall adopt rules as necessary to implement this section.

(8) This section expires June 30, 2030. [2025 c 366 s 2; 2023 c 392 s 2.]

Findings—Intent—2023 c 392: "The legislature finds that:

Employee ownership in companies provides numerous benefits to both businesses and workers across all industries. Research from the national center for employee ownership found that one such structure, employee stock ownership plans, had better workforce retention, benefits and retirement security, and firm performance than nonemployee stock ownership plans companies in the same industry. In addition, the Rutgers school of management and labor relations found that employee-owned companies outperformed nonemployee-owned companies in job retention, pay, and workplace health safety throughout the COVID-19 pandemic. At their core, employee ownership structures allow employees to gain ownership stake in a business, increasing their personal wealth without the risks related to starting or purchasing their own company.

States throughout the nation have moved to provide support for employee ownership structures. The Colorado employee ownership office has operated since 2019 to create a network of technical support and service providers considering employee ownership structures. Recently, both California and Massachusetts passed legislation to establish their own dedicated employee ownership support programs. Other states, such as Iowa, provide tax benefits and upfront costs to businesses interested in employee ownership.

Further, the federal government has recognized the benefit broad-based employee ownership structures provide to communities. The American rescue plan act included $10,000,000,000 for the state small business credit initiative. Through that act congress also directed the treasury department to allow state small business credit initiative funding to be used for transitions to employee ownership, when state small business credit initiative funding has not been historically available for business transactions.

The legislature desires to provide a dedicated program to educate businesses on employee ownership, assist both owners and workers in navigating available resources, reduce barriers to transitioning to employee-owned structures, and provide tax support for businesses that transition to an employee ownership structure.

Therefore, it is the intent of the legislature to encourage the growth of employee ownership structures through this expanding employee ownership act." [2023 c 392 s 1.]

Short title—2023 c 392: "This act may be known and cited as the expanding employee ownership act." [2023 c 392 s 8.]

RCW 43.330.592 Employee ownership program—Administration—Commission. *(Expires June 30, 2030.)* (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington employee ownership commission is hereby created to exercise the powers in developing and supervising the program created in RCW 43.330.590.

(2) The commission shall consist of:

(a) One member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The initial term shall be two years; and

(b) The following members appointed by the governor:

(i) Five members who represent the private sector or professional organizations as follows:

(A) One representative of a worker cooperative business. The initial term shall be four years;

(B) One representative of an employee stock ownership plan business. The initial term shall be four years;

(C) One representative from a statewide business association. The initial term shall be two years;

(D) One economic development expert, from the private sector, with employee ownership knowledge and experience. The initial term shall be four years; and

(E) One representative from a financial institution with expertise in assisting businesses transitioning into an employee ownership structure. The initial term shall be two years; and

(ii) Two members who represent the public sector as follows:

(A) One economic development expert, from the public sector. The initial term shall be four years; and

(B) One representative from the department of commerce, who will chair the first meeting prior to the election of the chair. The initial term shall be four years.

(3) After the initial term of appointment, all members shall serve terms of four years and shall hold office until successors are appointed.

(4) The commission shall be led by a chair selected and voted on by members of the commission. The chair shall serve a one-year term but may serve more than one term if selected to do so by members of the commission.

(5) The commission shall develop, in consultation with the director, rules and guidelines to administer the program. Rules and guidelines for the administration of the program must be included in the first report to the legislature required in RCW 43.330.590.

(6) Before making any appointments to the commission, the governor must seek nominations from recognized organizations that represent the entities or interests identified in this section. The governor must select appointees to represent private sector industries from a list of three nominations provided by the trade associations

representing the industry, unless no names are put forth by the trade associations.

(7) The commission shall conduct market research for the purposes of, or to support, a future application to the federal government for a program to assist in the purchase of an interest in an employee stock ownership plan qualifying under section 401 of the internal revenue code, worker cooperative, or related broad-based employee ownership vehicle.

(8) For purposes of this section, a "professional organization" includes an entity whose members are engaged in a particular lawful vocation, occupation, or field of activity of a specialized nature including, but not limited to, associations, boards, educational institutions, and nonprofit organizations.

(9) This section expires June 30, 2030. [2025 c 366 s 3; 2023 c 392 s 3.]

Findings—Intent—Short title—2023 c 392: See notes following RCW 43.330.590.

RCW 43.330.595 Employee ownership revolving loan program account. *(Expires June 30, 2030.)* (1) The employee ownership revolving loan program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the Washington employee ownership program created in RCW 43.330.590. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires June 30, 2030. [2025 c 366 s 4; 2023 c 392 s 6.]

Findings—Intent—Short title—2023 c 392: See notes following RCW 43.330.590.

RCW 43.330.600 Domestic violence high risk teams—Pilot program. (1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams. [2023 c 462 s 601.]

RCW 43.330.610 Port district noise mitigation—Grant program. (1) The department of commerce shall administer a grant program to

provide assistance to qualifying port districts for expenses related to noise mitigation pursuant to RCW 53.54.030(2) (c) and (d).

(2) The department of commerce shall prepare and publish an annual report on its website detailing grants made under this section. The report must include: (a) The number of inspectors or other professionals contracted; (b) the number of inspections conducted; (c) the number of properties provided with new or improved noise mitigation equipment subsequent to an inspection; (d) the number of properties receiving funds to address hazards or damages proven by an inspection to be associated with the installation of noise mitigation equipment; and (e) the number of inspected properties where no repairs occurred and the reasons why.

(3) A qualifying port district receiving funds under this section may commit to matching, from port district funds not subject to federal airport revenue use requirements, at least half of the total funding provided by the legislature under RCW 53.20.090 for the purposes of noise mitigation under RCW 53.54.030(2) (c) and (d) each fiscal year.

(4) For the purposes of this section, "qualifying port district" means a port district authorized to undertake programs for the abatement of aircraft noise under RCW 53.54.010. [2024 c 194 s 5.]

Reviser's note—Sunset Act application: The port district noise mitigation grant program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.429. RCW 43.330.610 is scheduled for future repeal under RCW 43.131.430.

Legislative findings—Intent—2024 c 194: See note following RCW 53.54.030.

RCW 43.330.615 Electric vehicle incentive program—Instant rebates. Subject to the availability of amounts appropriated for this specific purpose, the department, in coordination with the interagency electric vehicle coordinating council, must develop and implement an incentive program that reduces the purchase or lease costs of electric vehicles through the provision of instant rebates. Only individuals meeting the definition of vulnerable populations in RCW 70A.02.010 are eligible to receive instant rebates under the program. [2026 c 186 s 8.]

RCW 43.330.620 Statewide low-income energy assistance program—Definitions. *(Expires June 30, 2035.)* The definitions in this section apply throughout RCW 43.330.625 and *section 4 of this act unless the context clearly requires otherwise.

(1) "Coadministrator" means a participating utility that has voluntarily entered into an agreement with the department to perform any or all administrative tasks associated with implementing the statewide low-income energy assistance program. The scope of the administrative duties of a utility choosing to serve as coadministrator are to be established under the agreement between the utility and department under RCW 43.330.625(3).

(2) "Community action council" has the same meaning as "community action agency" in RCW 43.185C.010.

(3) "Energy assistance" means monetary assistance, such as a grant program, affordability benefits, or discounts for low-income households, that lowers a low-income household's energy burden.

(4) "Energy assistance need" means the amount of assistance necessary to achieve an energy burden equal to six percent for utility customers.

(5) "Energy burden" has the same meaning as in RCW 19.405.020.

(6) "Low-income" has the same meaning as in RCW 19.405.020.

(7) "Participating utility" means a utility that has affirmatively elected to participate in the statewide low-income energy assistance program established in RCW 43.330.625 and whom the department has accepted to participate subject to available funds.

(8) This section expires June 30, 2035. [2026 c 252 s 2.]

***Reviser's note:** Section 4 of this act was vetoed.

Finding—Intent—2026 c 252: "(1) The legislature finds that there is an urgent need for stronger policy and a new program option to secure universally accessible low-income energy bill assistance and reduce the $275,000,000 annual energy burden in Washington. Many income-eligible households do not have sufficient support. The department of commerce November 2024 study of options for a statewide energy assistance program in Washington lays out core features of a just system to expand and secure access to energy affordability measures. To address present and widening disparities in household access to energy assistance will require easier applications, safe data sharing, low barrier eligibility determinations, systematic processes for filling in gaps in the reach of existing programs, and guaranteed funding sources. The recommended program design promotes a more centralized approach to energy assistance. Key elements include those that reduce administrative burdens, but also improve the experience and likelihood that an eligible household receives assistance.

(2) It is the intent of the legislature for the department of commerce to phase in this program across the state, working with the advisory group created in section 4 of this act to prioritize low-income households with energy assistance need.

(3) This section expires June 30, 2035." [2026 c 252 s 1.]

Nonseverability—2026 c 252: "This act is not severable, and if any provision of this act is held invalid, this entire act is null and void." [2026 c 252 s 6.]

RCW 43.330.625 Statewide low-income energy assistance program—Purpose—Rule making—Duties. ***(Expires June 30, 2035.)*** (1) The statewide low-income energy assistance program is established within the department. The purpose of the program is to reduce energy burden for low-income households in Washington. The statewide low-income energy assistance program is supplemental to low-income energy assistance provided by utilities under RCW 19.405.120 and 80.28.068. Participating utilities may not supplant funding from this program to meet the requirements of RCW 19.405.120 and 80.28.068. The department must begin providing energy assistance no later than 14 months after funding is appropriated. The department, in consultation with the utilities and transportation commission, must write rules to implement

this section. Nothing in this section alters existing regulatory jurisdiction over consumer-owned utilities.

(2) In accordance with subsection (4) of this section, the department must establish details for low-income customers to enroll in the statewide low-income energy assistance program via rule making. This rule making must consider:

(a) Low-income households' eligibility;

(b) Application processes for in-person, online, and over-the-phone enrollment;

(c) Partnership with utilities from which low-income households receive service and the utility has voluntarily chosen to serve as coadministrator of the program;

(d) Partnership with community action councils and other community providers of low-income social services;

(e) Allowance for self-attestation;

(f) That the department may verify that applicants and participants meet the income qualifications, and may work with utilities and community action councils to conduct this verification;

(g) That there is no risk to eligibility based on immigration status; and

(h) Auto enrollment of known eligible households.

(3) The department may enter into agreements with participating utilities to serve as coadministrators of the statewide low-income energy assistance program for the purposes of enhancing customer engagement, facilitating enrollment of eligible customers, and sharing administrative duties with the department. Serving as a coadministrator is voluntary for participating utilities.

(4) Subject to appropriation, the department, in consultation with the advisory group created in *section 4 of this act, must phase in the statewide low-income energy assistance program across participating utilities, prioritizing low-income households in energy assistance need.

(5)(a) The department must, in consultation with the utilities and transportation commission as it applies to investor-owned utilities, administer the statewide low-income energy assistance program by providing funds to participating utilities. The participating utilities must pass these funds on to their low-income residential customers and show the energy assistance on the customers' monthly bills.

(b) Following standard contractual procedures, a participating utility may seek reimbursement from the department equal to the energy assistance provided.

(c) The discount or dollar amount that the department provides to low-income households must be tiered to provide the most energy assistance to the households with the greatest need.

(d) The department and each participating utility's obligation to provide energy assistance under the statewide low-income energy assistance program is based on available funding appropriated for this specific purpose. Participating utilities may not be required to provide assistance to low-income customers under the statewide low-income energy assistance program beyond funding appropriated for this purpose. This program may not be funded through a utility surcharge or collection of any funding from utilities. It is the intent of the legislature that sustained funding shall be provided to meet low-income household needs from climate commitment act auction revenues or other dollars.

(6) A participating utility may not reduce the level of low-income energy assistance it provides as a result of participation in the statewide low-income energy assistance program.

(7) This section expires June 30, 2035. [2026 c 252 s 3.]

***Reviser's note:** Section 4 of this act was vetoed.

Finding—Intent—Nonseverability—2026 c 252: See notes following RCW 43.330.620.

HOMELESS YOUTH PREVENTION AND PROTECTION ACT

RCW 43.330.700 Findings—Homeless youth. (1) The legislature finds that every night thousands of homeless youth in Washington go to sleep without the safety, stability, and support of a family or a home. This population is exposed to an increased level of violence, human trafficking, and exploitation resulting in a higher incidence of substance abuse, illness, and death. The prevention and reduction of youth and young adult homelessness and protection of homeless youth is of key concern to the state. Nothing in chapter 69, Laws of 2015 is meant to diminish the work accomplished by the implementation of Becca legislation but rather, the intent of the legislature is to further enhance the state's efforts in working with unaccompanied homeless youth and runaways to encourage family reconciliation or permanent housing and support through dependency when family reconciliation is not a viable alternative.

(2) Successfully addressing youth and young adult homelessness ensures that homeless youth and young adults in our state have the support they need to thrive and avoid involvement in the justice system, human trafficking, long-term, avoidable use of public benefits, and extended adult homelessness.

(3) Providing appropriate, relevant, and readily accessible services is critical for addressing one-time, episodic, or longer-term homelessness among youth and young adults, and keeping homeless youth and young adults safe, housed, and connected to family.

(4) The coordination of statewide programs to combat youth and young adult homelessness should include programs addressing both youth and young adults. In some instances, best practices mandate that youth programs and young adult programs be segregated in their implementation; however, in other instances, innovative approaches can ensure the health and safety of both populations while serving them together, allowing for alignment with federal programs and funding opportunities, application of adolescent neurodevelopment research, and maximization of capacity to serve more dispersed populations in rural areas. The legislature further finds that the differing needs of these populations should be considered when assessing which programs are relevant and appropriate.

(5) To successfully reduce and prevent youth and young adult homelessness, it is the goal of the legislature to have the following key components available and accessible:

(a) Stable housing: It is the goal of the legislature to provide a safe and healthy place for homeless youth to sleep each night until permanency can be reached. Every homeless young adult in our state deserves access to housing that gives them a safe, healthy, and supported launching pad to adulthood. Every family in crisis should

have appropriate support as they work to keep their children housed and safe. It is the goal of the legislature that every homeless youth discharged from a public system of care in our state will not be discharged into homelessness.

(b) Family reconciliation: All homeless youth should have access to services that support reunification with immediate family. When reunification is not possible for homeless youth, youth should be placed in the custody of the department of children, youth, and families.

(c) Permanent connections: Every homeless young adult should have opportunities to establish positive, healthy relationships with adults, including family members, employers, landlords, teachers, and community members, with whom they can maintain connections and from whom they can receive ongoing, long-term support to help them develop the skills and experiences necessary to achieve a successful transition to adulthood.

(d) Education and employment: Every homeless young adult in our state deserves the opportunity and support they need to complete their high school education and pursue additional education and training. It is the goal of the legislature that every homeless young adult in our state will have the opportunity to engage in employment training and be able to access employment. With both education and employment support and opportunities, young adults will have the skills they need to become self-sufficient, self-reliant, and independent.

(e) Social and emotional well-being: Every homeless youth and young adult in our state should have access to both behavioral health care and physical health care. Every state-funded program for homeless youth and young adults must endeavor to identify, encourage, and nurture each youth's strengths and abilities and demonstrate a commitment to youth-centered programming. [2019 c 124 s 4; 2015 c 69 s 4.]

RCW 43.330.702 Homeless youth—Definitions. The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Child," "juvenile," "youth," and "minor" means any unemancipated individual who is under the chronological age of eighteen years.

(2) "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129.

(3) "Runaway" means an unmarried and unemancipated minor who is absent from the home of a parent or guardian or other lawful placement without the consent of the parent, guardian, or lawful custodian.

(4) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(5) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or guardian.

(6) "Young adult" means a person between eighteen and twenty-four years of age. [2015 c 69 s 3.]

RCW 43.330.705 Homeless youth—Office of homeless youth prevention and protection programs. (1) There is created the office of homeless youth prevention and protection programs within the department.

(2) Activities of the office of homeless youth prevention and protection programs must be carried out by a director of the office of homeless youth prevention and protection programs, supervised by the director of the department or his or her designee.

(3) The office of homeless youth prevention and protection programs is responsible for leading efforts under this subchapter to coordinate a spectrum of ongoing and future funding, policy, and practice efforts related to homeless youth and improving the safety, health, and welfare of homeless youth in this state.

(4) The measurable goals of the office of homeless youth prevention and protection programs are to: (a) Measurably decrease the number of homeless youth and young adults by identifying programs that address the initial causes of homelessness, and (b) measurably increase permanency rates among homeless youth by decreasing the length and occurrences of youth homelessness caused by a youth's separation from family or a legal guardian.

(5) The office of homeless youth prevention and protection programs shall (a) gather data and outcome measures, (b) initiate data-sharing agreements, (c) develop specific recommendations and timelines to address funding, policy, and practice gaps within the state system for addressing the five key components in RCW 43.330.700, (d) make reports, (e) increase system integration and coordinate efforts to prevent state systems from discharging youth and young adults into homelessness, (f) develop measures to include by county and statewide the number of homeless youth, dependency status, family reunification status, housing status, program participation, and runaway status, and (g) develop a comprehensive plan to encourage identification of youth experiencing homelessness, promote family stability, and eliminate youth and young adult homelessness.

(6)(a) The office of homeless youth prevention and protection programs shall regularly consult with an advisory committee, comprised of:

(i) Advocates;

(ii) At least two legislators;

(iii) At least two parent advocates;

(iv) At least two youth or young adult representatives;

(v) At least one representative from law enforcement;

(vi) Service providers;

(vii) At least two individuals over the age of 25 who experienced homelessness or involvement with a publicly funded system of care as defined in RCW 43.330.720 at some point while age 12 through 24;

(viii) At least two individuals who represent populations that are disproportionately homeless or have experience in a publicly funded system of care as defined in RCW 43.330.720 in the youth and young adult population which includes but is not limited to individuals with a tribal affiliation, people of color, and people with a disability; and

(ix) Other stakeholders knowledgeable in the provision of services to homeless youth and young adults, including the prevention of youth and young adult homelessness, the dependency system, and family reunification.

(b) The advisory committee shall provide guidance and recommendations to the office of homeless youth prevention and protection programs regarding funding, policy, and practice gaps within and among state programs.

(c) The advisory committee must be staffed by the department.

(d) The members of the advisory committee must be appointed by the governor, except for the legislators who must be appointed by the speaker of the house of representatives and the president of the senate.

(e) A young adult serving on the advisory committee who turns age 25 during their term may complete their term on the advisory committee even though they are age 25. [2026 c 72 s 1; 2019 c 124 s 5; 2015 c 69 s 5.]

RCW 43.330.706 Homeless youth—Data and outcomes measures—Report. (1) The office of homeless youth prevention and protection programs shall identify data and outcomes measures from which to evaluate future public investment in homeless youth services.

(2) By December 1, 2016, and in compliance with RCW 43.01.036, the office of homeless youth prevention and protection programs must submit a report to the governor and the legislature to inform recommendations for funding, policy, and best practices in the five priority service areas identified in RCW 43.330.700 and present recommendations to address funding, policy, and practice gaps in the state system.

(3) Recommendations must include, but are not limited to: Strategies to enhance coordination between providers of youth homelessness programs and the child welfare system, and strategies for communities to identify homeless youth and ensure their protection and referral to appropriate services, including family reconciliation and transition to dependent status for minors. [2015 c 69 s 6.]

RCW 43.330.710 Homeless youth—Office of homeless youth prevention and protection programs—Report to the director—Grants—Program management and oversight. (1)(a) The office of homeless youth prevention and protection programs shall report to the director or the director's designee.

(b)(i) The office of homeless youth prevention and protection programs may distribute grants to providers who serve homeless youth and young adults throughout the state.

(ii) The grants must fund services in the five key components in RCW 43.330.700.

(iii) The grants must be expended on a statewide basis and may be used to support direct services, as well as technical assistance, evaluation, and capacity building.

(2) The office of homeless youth prevention and protection programs shall provide management and oversight guidance and direction to the following programs:

(a) HOPE centers as described in RCW 43.185C.315;

(b) Crisis residential centers as described in RCW 43.185C.295;

(c) Street outreach services as defined in RCW 43.185C.010;

(d) Independent youth housing programs as described in RCW 43.63A.305. [2019 c 124 s 6; 2015 c 69 s 7.]

RCW 43.330.715 Homeless youth—Training program. (1) The office of homeless youth prevention and protection programs shall establish a statewide training program on homeless youth for criminal justice personnel. The training must include identifying homeless youth, existing laws governing the intersection of law enforcement and homeless youth, and best practices for approaching and engaging homeless youth in appropriate services.

(2) The training must be provided where possible by an entity that has experience in developing coalitions, training, programs, and policy on homeless youth in Washington. [2015 c 69 s 8.]

RCW 43.330.717 Homeless youth—Review of state-funded programs. The joint legislative audit and review committee shall conduct a review of state-funded programs that serve unaccompanied homeless youth under the age of eighteen, including dependent youth, to determine what performance measures exist, what statutory reporting requirements exist, and whether there is reliable data on ages of youth served, length of stay, and effectiveness of program exit and reentry. Where statutory reporting requirements do exist, the joint legislative audit and review committee shall review the programs' compliance with relevant statutory reporting requirements. The committee shall report on what services are provided to unaccompanied homeless youth including, but not limited to: Outreach and other nonshelter services, shelter services, and family reconciliation. The committee is also to report on the number of unaccompanied homeless youth statewide and by county and city and how this number is determined. The programs reviewed may include, but are not limited to, HOPE centers as described in RCW 43.185C.315 and crisis residential centers as described in RCW 43.185C.295. [2015 c 69 s 9.]

RCW 43.330.720 Unaccompanied youth—Publicly funded system of care—Department of children, youth, and families and the office of homeless youth prevention and protection programs to develop plan. (1) In accordance with RCW 43.330.700(5)(a), it is the goal of the legislature, that beginning January 1, 2021, any unaccompanied youth discharged from a publicly funded system of care in our state will be discharged into safe and stable housing, and that this policy applies to any judicial proceeding through which the youth has been committed to the publicly funded system of care or in any collateral proceeding that involves the custody of the youth in that system.

(2) The department of children, youth, and families and the office of homeless youth prevention and protection programs must jointly develop a plan to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. The plan must specify actions that state agencies will need to take, any necessary statutory and funding legislative action, and the assignment of those specific state agency actions to effectuate all parts of the plan. By December 31, 2019, the department of children, youth, and families must issue the plan to the appropriate committees of the legislature and the governor.

(3) For the purposes of this section, "publicly funded system of care" means the child welfare system, the behavioral health system, the juvenile justice system, and programs administered by the office

of homeless youth prevention and protection programs. [2018 c 157 s 1.]

RCW 43.330.723 Youth and young adults exiting publicly funded system of care—Flexible funding. (1) The office of homeless youth prevention and protection programs, in coordination with the department of children, youth, and families, shall administer flexible funding, subject to the amounts appropriated for this specific purpose, to support persons under the age of 25 exiting publicly funded systems of care that need discrete support or funding to secure safe housing. The flexible funding provided under this section may be provided for immediate needs of the person. A person may receive support under this section more than once. Uses of the flexible funding provided under this section may include, but are not limited to, the following:

(a) Car repair or other transportation assistance;

(b) Rental application fees, a security deposit, or short-term rental assistance; or

(c) Other uses that will help support the person's housing stability, education, or employment, or meet immediate basic needs.

(2) The flexible funding provided under this section may be given to:

(a) Persons under the age of 25;

(b) Community-based providers, assisting persons under the age of 25 in planning for discharge and successfully discharging from a publicly funded system of care into safe and stable housing; and

(c) Individuals or entities, including landlords, providing safe housing or other housing-related support for persons under the age of 25.

(3) The office of homeless youth prevention and protection programs shall make training available to publicly funded systems of care and other professionals working with youth exiting publicly funded systems of care on how to access the flexible funds created under this section and best practices to divert youth from homelessness.

(4) For purposes of this section, "publicly funded system of care" has the same meaning as provided in RCW 43.330.720. [2022 c 137 s 3.]

Findings—Intent—2022 c 137: "(1) The legislature finds that young people discharging from publicly funded systems of care are at increased risk of homelessness. Youth and young adults experiencing homelessness face traumatic events at a higher rate than their peers who have stable housing. Homelessness has long-term impacts on brain development and well-being and creates barriers to education and employment.

(2) RCW 43.330.720 establishes a goal that any unaccompanied youth discharged from a publicly funded system of care in our state will be discharged into safe and stable housing. The office of homeless youth prevention and protection programs and the department of children, youth, and families published the improving stability for youth exiting systems of care report in 2020 outlining steps to achieve this goal. These steps provide a multipronged approach to ensure youth exit publicly funded systems of care into safe and stable housing, including:

(a) System-level support while youth are in the custody of publicly funded systems of care to ensure effective transition from care;

(b) Community-level connections and services to provide support when youth transition back to the community; and

(c) Resources to secure and maintain stable housing.

(3) The legislature intends to implement community services, system response, and flexible resources to support the goal established under RCW 43.330.720 that youth discharged from publicly funded systems of care are discharged into safe and stable housing with the appropriate supports in place to provide a strong footing." [2022 c 137 s 1.]

RCW 43.330.725 Youth and young adults exiting publicly funded system of care—System of care grants. (1) Subject to the amounts appropriated for this specific purpose, the office of homeless youth prevention and protection programs shall provide system of care grants that prevent youth from exiting a publicly funded system of care into homelessness.

(2) The system of care grants funded under this section shall provide support to youth exiting a publicly funded system of care and may include:

(a) Behavioral health services;

(b) Civil legal aid;

(c) Peer navigators and support;

(d) Family reconciliation or engagement services;

(e) Employment support;

(f) Education support;

(g) Case management;

(h) Housing and financial support; or

(i) Other navigation support to secure safe and stable housing.

(3) For purposes of this section, "publicly funded system of care" has the same meaning as provided in RCW 43.330.720. [2022 c 137 s 5.]

Findings—Intent—2022 c 137: See note following RCW 43.330.723.

RCW 43.330.726 Youth supports and housing—Community support teams. (1) Subject to the amounts appropriated for this specific purpose, the office of homeless youth prevention and protection programs shall provide additional funding and assistance to contracted youth service providers or other entities who convene a community support team as described in this section. The purpose of the community support team is to help identify supports for a youth focused on resolving family conflict and obtaining or maintaining long-term and stable housing.

(a) The community support team is required to prioritize reunification between the youth and the youth's family to the extent possible without endangering the health, safety, or welfare of the child.

(b) The community support team may not engage with a family member other than the youth if the parent, guardian, or legal custodian objects to the support or assistance that is offered or provided.

(2) A community support team under this section must include:
(a) The youth; and
(b) Supportive adults identified by the youth, which may include:
(i) Licensed shelter staff;
(ii) A case manager;
(iii) Individuals from the youth's school;
(iv) Juvenile court staff;
(v) The youth's attorney;
(vi) Behavioral health providers;
(vii) Community support providers;
(viii) Family members;
(ix) Mentors;
(x) Peer support;
(xi) Housing navigation;
(xii) Legal assistance; or
(xiii) Other community members.

(3) The community support team described in this section shall develop a process that allows youth who enter a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families to request assistance from the community support team.

(4) Any youth who enters a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families in an area served by the community support team is eligible for the community support team.

(5) The community support team described in this section shall coordinate efforts, if appropriate, with:

(a) The department or the designated contractor of the department providing family reconciliation services to a youth or family;

(b) Multidisciplinary teams established under RCW 43.185C.250 and 43.185C.255; and

(c) Other nearby youth homelessness assistance programs that may provide assistance to the youth. [2023 c 151 s 5.]

WASHINGTON SMALL BUSINESS RETIREMENT MARKETPLACE

RCW 43.330.732 Definitions. The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this chapter to participate in the marketplace.

(2) "Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings. The fund generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

(3) "Eligible employer" means a self-employed individual, sole proprietor, or an employer with at least one qualified employee at the time of enrollment.

(4) "Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the Washington small business retirement marketplace.

(5) "Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the Washington

small business retirement marketplace who chooses to participate in the marketplace and offers approved plans to employees for voluntary enrollment.

(6) "Private sector financial services firms" or "financial services firms" mean persons or entities licensed or holding a certificate of authority and in good standing by either the department of financial institutions or the office of the insurance commissioner and meeting all federal laws and regulations to offer retirement plans.

(7) "Qualified employee" means those workers who are defined by the federal internal revenue service to be eligible to participate in a specific qualified plan.

(8) "Target date or other similar fund" means a hybrid mutual fund that automatically resets the asset mix of stocks, bonds, and cash equivalents in its portfolio according to a selected time frame that is appropriate for a particular investor. A target date is structured to address a projected retirement date.

(9) "Washington small business retirement marketplace" or "marketplace" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings. [2024 c 327 s 14; 2015 c 296 s 2.]

Conflict with federal requirements—2024 c 327: See note following RCW 19.05.020.

RCW 43.330.735 Washington small business retirement marketplace. (1) The Washington small business retirement marketplace is created.

(2) Prior to connecting any eligible employer with an approved plan in the marketplace, the director shall design a plan for the operation of the marketplace.

(3) The director shall consult with the Washington state department of retirement systems, the Washington state investment board, and the department of financial institutions in designing and managing the marketplace.

(4) The director shall approve for participation in the marketplace all private sector financial services firms, as defined in RCW 43.330.732.

(5) A range of investment options must be provided to meet the needs of investors with various levels of risk tolerance and various ages. The director must approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including but not limited to life insurance plans that are designed for retirement purposes, and plans for eligible employer participation such as a SIMPLE IRA-type plan that provides for employer contributions to participating enrollee accounts.

(6)(a) Prior to approving a plan to be offered on the marketplace, the department must receive verification from the department of financial institutions or the office of the insurance commissioner:

(i) That the private sector financial services firm offering the plan meets the definition in RCW 43.330.732; and

(ii) That the plan meets the requirements of this section excluding subsection (9) of this section which is subject to federal laws and regulations.

(b) If the plan includes either life insurance or annuity products, or both, the office of the insurance commissioner may request that the department of financial institutions conduct the plan review as provided in (a)(ii) of this subsection prior to submitting its verification to the department.

(c) The director may remove approved plans that no longer meet the requirements of this chapter.

(7) The financial services firms participating in the marketplace must offer a minimum of two product options: (a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement and (b) a balanced fund.

(8) In order for the marketplace to operate, there must be at least two approved plans on the marketplace; however, nothing in this subsection shall be construed to limit the number of private sector financial services firms with approved plans from participating in the marketplace.

(9) Approved plans must meet federal law or regulation for internal revenue service approved retirement plans.

(10) The approved plans must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the Washington small business retirement marketplace.

(11) Financial services firms selected by the department to offer approved plans on the marketplace may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees and must provide information about their product's historical investment performance. Financial services firms may charge enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department and financial services firms. The director shall limit plans to those with total fees the director considers reasonable based on all the facts and circumstances.

(12) Participation in the Washington small business retirement marketplace is voluntary for both eligible employers and qualified employees.

(13) Enrollment in any approved plan offered in the marketplace is not an entitlement. [2024 c 327 s 15; 2017 c 69 s 1; 2015 c 296 s 3.]

Conflict with federal requirements—2024 c 327: See note following RCW 19.05.020.

RCW 43.330.737 Private sector contractor's duties—Director's duties—Rollovers—Rules—Participation of private sector financial services firms. (1) The director shall contract with a private sector entity to:

(a) Establish a protocol for reviewing and approving the qualifications of all private sector financial services firms that meet the qualifications to participate in the marketplace;

(b) Design and operate an internet website that includes information about how eligible employers can voluntarily participate in the marketplace;

(c) Develop marketing materials about the marketplace that can be distributed electronically, posted on agency websites that interact

with eligible employers, or inserted into mail from the department of revenue, department of labor and industries, employment security department, the office of minority and women's business enterprises, department of licensing, and secretary of state's division of corporations;

(d) Identify and promote existing federal and state tax credits and benefits for employers and employees that are related to encouraging retirement savings or participating in retirement plans; and

(e) Promote the benefits of retirement savings and other information that promotes financial literacy.

(2) The director shall address how rollovers are handled for eligible Washington employers that have workers in other states, and whether out-of-state employees with existing IRA's can roll them into the plans offered through the Washington small business retirement marketplace.

(3) The director shall direct the entity retained pursuant to subsection (1) of this section to assure that licensed professionals who assist their eligible business clients or employees to enroll in a plan offered through the Washington small business retirement marketplace may receive routine, market-based commissions or other compensation for their services.

(4) The director shall ensure by rule that there is objective criteria in the protocol provided in subsection (1)(a) of this section and that the protocol does not provide unfair advantage to the private sector entity which establishes the protocol.

(5) The director shall encourage the participation of private sector financial services firms in the marketplace. [2015 c 296 s 4.]

RCW 43.330.740 Payment of marketplace expenses—Use of private and federal funding. In addition to any appropriated funds, the director may use private funding sources, including private foundation grants, to pay for marketplace expenses. On behalf of the marketplace, the department shall seek federal and private grants and is authorized to accept any funds awarded to the department for use in the marketplace. [2015 c 296 s 5.]

RCW 43.330.742 Federal employment retirement income act liability—Prohibition on state-based retirement plan for nonstate employees. The department shall not expose the state of Washington as an employer or through administration of the marketplace to any potential liability under the federal employee retirement income [security] act of 1974. As such, the department is specifically prohibited from offering and operating a state-based retirement plan for businesses or individuals who are not employed by the state of Washington. [2015 c 296 s 6.]

RCW 43.330.745 Incentive payments. Using funds specifically appropriated for this purpose, and funds provided by private foundations or other private sector entities, the director may provide incentive payments to participating employers that enroll in the marketplace. [2015 c 296 s 7.]

RCW 43.330.747 Effectiveness and efficiency of the Washington small business retirement marketplace—Biennial report. The director shall report biennially to the legislature on the effectiveness and efficiency of the Washington small business retirement marketplace, including the levels of enrollment and the retirement savings levels of participating enrollees that are obtained in aggregate on a voluntary basis from private sector financial services firms that participate in the marketplace. [2015 c 296 s 8.]

RCW 43.330.750 Rules—Rule development process. The director shall adopt rules necessary to allow the marketplace to operate as authorized by this subchapter. As part of the rule development process, the director shall consult with organizations representing eligible employers, qualified employees, private and nonprofit sector retirement plan administrators and providers, organizations representing private sector financial services firms, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for operating the marketplace. The director or the director's designee may take the actions necessary to ensure chapter 69, Laws of 2017 is implemented on July 23, 2017. [2017 c 69 s 2; 2015 c 296 s 9.]

MANUFACTURING AND RESEARCH AND DEVELOPMENT SECTOR PROMOTION

RCW 43.330.760 Intent—2021 c 64. It is the intent of the legislature that Washington retain and build on its leadership in the manufacturing and research and development sectors. The legislature finds that a thriving research and production sector are complimentary and should be promoted in every region of the state. The legislature finds this is critical to provide a strong, resilient tax base for good schools, safe streets, and community optimism. Therefore, the legislature intends to identify and invest in strategies to ensure every geographic region of the state can benefit from a strong manufacturing and research and development base, with the goal of doubling the state's manufacturing employment base, the number of small businesses, and the number of women and minority-owned manufacturing businesses in the next 10 years. [2021 c 64 s 2.]

Short title—2021 c 64: "This act may be known and cited as the Washington BEST manufacturing act." [2021 c 64 s 1.]

RCW 43.330.762 Manufacturing—Goals and strategies—Reports—Manufacturing council. (1) The department is responsible for identifying and developing strategies to help achieve the goals established in RCW 43.330.760. In support of pursuing the goal, the department must prepare and update each fiscal biennium a report on the state of the manufacturing and research and development industry and workforce. The report must identify progress or challenges the state has encountered in achieving the goals established in RCW 43.330.760 and identify recommendations to the legislature.

(2) The report may include, but not be limited to:

(a) Recommendations for specific actions to develop a manufacturing workforce pipeline and specific manufacturing subsectors that present workforce opportunities or challenges;

(b) Identification of dislocated workers;

(c) Career connected learning opportunities;

(d) A survey of financial aid that can be leveraged to fund training for the manufacturing workforce pipeline, such as Washington college grant opportunities, passport to careers, and prison to postsecondary funding;

(e) Recommendations on improving the state's competitiveness for manufacturing and research and development job retention and creation;

(f) Identification of high-demand advanced manufacturing industries and subsectors globally;

(g) Identification of site selection criteria of advanced manufacturing and research and development projects; and

(h) Recommendations of best practices to streamline environmental permit approval and appeal processes for the purpose of getting manufacturing businesses who want to site or expand in Washington more certainty, faster.

(3) The department must convene a manufacturing council to advise and consult on the development of the report and recommendations.

(a) The director or the director's designee must appoint to the council such persons from the private, nonprofit, and public sectors as may best inform the state's ability to innovate, diversify supply chains, and expand living wage jobs in the manufacturing sector.

(b) Representatives must include small to mid-sized private sector manufacturing businesses, labor and apprenticeship programs, statewide business associations, higher education institutions, and workforce partners. The department must work to ensure:

(i) Equal representation of business and labor on the council;

(ii) That appointees represent every region of the state such that economic diversification across all regions is supported; and

(iii) That the council includes a strong array of voices from women and minority executives and labor in manufacturing.

(4) All state agencies with expertise in workforce development and economic development are encouraged to provide such information and resources as may be requested to inform and facilitate identification and analysis of public policy challenges and potential recommendations for the report in subsections (1) and (2) of this section.

(5) In its first biennial report, the department shall coordinate with the office of the superintendent of public instruction and the state board for community and technical colleges to assess any inadequacy or gaps in delivering hands-on, skills-based learning remotely to all Washingtonians seeking to enter the manufacturing workforce or to be retrained for a transition within the manufacturing workforce. [2021 c 64 s 3.]

Short title—2021 c 64: See note following RCW 43.330.760.

RCW 43.330.765 Manufacturing—Regional strategies—Grants. (1) The department must support the development of regionally tailored strategies to facilitate the continued existence and development of [a] manufacturing workforce across the state.

(2) To support regional manufacturing cluster development and job creation, the department must grant any funding provided in RCW 43.330.767 for initiatives that accelerate the development of regional clusters intended to grow living wage jobs in manufacturing and research and development.

(3) The department is encouraged to consider the creation of regional offices or establishing additional duty stations that facilitate sector leads to be located in the regions most dependent on their sector. [2021 c 64 s 4.]

Short title—2021 c 64: See note following RCW 43.330.760.

RCW 43.330.767 Manufacturing cluster acceleration account. (1) The manufacturing cluster acceleration account is created in the state treasury. All receipts from appropriations made to the manufacturing cluster acceleration account shall be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) The department may make expenditures from the account to support regional cluster acceleration strategies, including: Supporting projects to assist manufacturers to diversify their customer base and supply chain, supporting pilot or demonstration manufacturing projects coordination with organized cluster initiatives, and supporting projects that are intended to increase manufacturing and research and development jobs regionally.

(3) The department is encouraged to seek match funds for any funds appropriated to this account and may utilize funds to match nonstate funds being expended on a specific project that aligns with the purpose of this section.

(4) During the 2025-2027 fiscal biennium, the legislature may direct the state treasurer to transfer money in the manufacturing cluster acceleration account to the state general fund. [2026 c 268 s 930; 2022 c 157 s 1; 2021 c 64 s 5.]

Effective date—2026 c 268: See note following RCW 28B.15.210.

Short title—2021 c 64: See note following RCW 43.330.760.

RCW 43.330.770 Manufacturing—Workforce innovation sector lead—Reports. (1) The department must appoint a workforce innovation sector lead, to coordinate workforce activities and needs identified by industry sector leads such as the manufacturing, clean technology, and aerospace sector leads, and connect this work with the lead workforce agencies to inform strategic allocation of funding.

(2) Within existing resources, the department must report to the appropriate committees of the legislature beginning December 1, 2022, and continuing every fourth year thereafter, the progress made in developing, recruiting, and retaining research and development employers and workforce; and a description of how the state's policy toolkit for developing strength in research and development as a sector compares to competitor states. [2021 c 64 s 6.]

Short title—2021 c 64: See note following RCW 43.330.760.

RCW 43.330.772 Subject to appropriation. The duties in RCW 43.330.760 through 43.330.770 are subject to the availability of amounts appropriated for the specific purpose. [2021 c 64 s 7.]

Short title—2021 c 64: See note following RCW 43.330.760.

RCW 43.330.780 Manufacturing—Independent assessment and industrial strategy. (1) The department of commerce must perform an independent assessment of opportunities for Washington to capture new and emerging industries that align with statewide greenhouse gas reduction limits and strengthen its existing manufacturing base. By October 1, 2024, and in compliance with RCW 43.01.036, the department of commerce shall submit the independent assessment to the appropriate committees of the legislature, and shall submit the assessment to the state manufacturing council established in RCW 43.330.762.

(2) By June 1, 2025, the department of commerce must develop a proactive state industrial strategy that seeks to strengthen and transform Washington's existing manufacturing base and capture new and emerging industries. The strategy should be informed by the independent assessment required by subsection (1) of this section. The manufacturing council convened pursuant to RCW 43.330.762 shall advise and consult on the development of the strategy.

(3) The independent assessment must include, but is not limited to:

(a) Assessing how the transition to net-zero emissions by 2050 will impact the potential futures of manufacturing in Washington, including identifying specific opportunities for Washington to actively seek investment in new and emerging industries and to transform and strengthen the state's existing manufacturing base to meet the needs of a net-zero economy, taking into account the Washington's existing key sectors, job quality, and regional diversity;

(b) Assessing the needs of Washington's existing manufacturers, including supply chain challenges and resources required to meet the statutory greenhouse gas emissions reductions in RCW 70A.45.020;

(c) Identifying opportunities to build and maximize the environmental and economic benefits of a circular economy for both new and existing industries in building out and strengthening Washington's manufacturing base;

(d) Identifying what is required to attract new private investment and transform and strengthen Washington's existing manufacturing base, including needs related to:

(i) Transportation and port infrastructure;

(ii) Supply chains;

(iii) Workforce; and

(iv) Energy;

(e) Identifying opportunities to support minority and women-owned firms and small and medium-sized firms in capturing new and emerging industries;

(f) Identifying existing and potential future gaps in the state's manufacturing sector that inhibit in-state manufacturers from producing the necessary goods, services, and infrastructure to transition to the net-zero economy and attract new investment in the state to accelerate the in-state production of clean energy product manufacturing; and

(g) Evaluating opportunities for the state's use of public ownership investment in developed and emerging manufacturing industries to address the existing and potential future gaps identified in (f) of this subsection. This evaluation shall provide recommendations on the highest and best uses of public resources as part of the state industrial strategy as provided in subsection (2) of this section.

(4) The workforce assessment referenced in subsection (3)(d)(iii) of this section should: (a) Catalogue and examine how to maximize the use of the existing manufacturing workforce's transferable skills; (b) address any remaining skills gaps and identify opportunities to build a manufacturing workforce pipeline that ensures all current and future Washingtonians have fair access to a manufacturing career by sector; and (c) ensure equitable and accessible pathways and advancement opportunities in manufacturing by sector.

(5) The energy assessment referenced in subsection (3)(d)(iv) of this section should include the quantity, price, and location of electricity necessary to decarbonize and grow Washington's existing manufacturing base and capture new and emerging industries.

(6) The independent assessment will not replace but may inform the work of the manufacturing council created in RCW 43.330.762 to advise and consult on the department of commerce's recommendations to achieve the goals established in RCW 43.330.760. [2023 c 322 s 2.]

Short title—2023 c 322: "This act may be known and cited as the Washington clean manufacturing leadership act." [2023 c 322 s 4.]

RCW 43.330.781 Manufacturing—Industrial policy advisor. (1) The department of commerce must appoint an industrial policy advisor to ensure that Washington state fully leverages available federal funding for manufacturing to meet the state's economic development goals in RCW 43.330.760 and the statutory greenhouse gas emissions reductions in RCW 70A.45.020 and guide the implementation of the state industrial strategy created pursuant to RCW 43.330.780.

(2) The industrial policy advisor must:

(a) Track federal and other funding opportunities to transform and strengthen existing Washington manufacturers and promote the growth of new and emerging industries;

(b) Alert Washington manufacturers to relevant federal and other funding opportunities;

(c) Support Washington manufacturers in applying for federal and other funding opportunities and in completing required reporting;

(d) Work to ensure that Washington's pursuit of its goals in RCW 43.330.760 and 70A.45.020 are aligned and mutually reinforcing;

(e) Foster interagency and coordination and collaboration, including with the department of commerce sector leads, on manufacturing-related policy making and activities, including both climate and economic development manufacturing-related policy making;

(f) Coordinate with the workforce innovation sector lead, particularly with respect to building the manufacturing workforce pipeline; and

(g) Provide quarterly reports to the manufacturing council created in RCW 43.330.762.

(3) The industry policy advisor may also:

(a) Form expert committees with industry representatives to develop sector-specific strategies for attracting new investment and transforming and strengthening existing manufacturing consistent with the industrial strategy created pursuant to RCW 43.330.780;

(b) Assist local governments with economic plans to attract new investment and transform and strengthen existing manufacturing consistent with the industrial strategy created pursuant to RCW 43.330.780; and

(c) Support communities negatively impacted by the closure or relocation of manufacturing facilities by supporting efforts to attract new investment consistent with the industrial strategy created pursuant to RCW 43.330.780 and facilitate the movement of existing skilled manufacturing workers into new industrial sectors. [2023 c 322 s 3.]

Short title—2023 c 322: See note following RCW 43.330.780.

CONSTRUCTION

RCW 43.330.900 References to director and department. All references to the director or department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director of commerce or the department of commerce. [2009 c 565 s 17; 1993 c 280 s 79.]

RCW 43.330.901 Captions. Captions used in this chapter do not constitute part of the law. [1993 c 280 s 83.]

RCW 43.330.902 Effective date—1993 c 280. Sections 1 through 7, 9 through 79, 82, and 83 of this act shall take effect March 1, 1994. [1994 c 5 s 2; 1993 c 280 s 86.]

RCW 43.330.9021 Effective date—1994 c 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994. [1994 c 5 s 3.]

RCW 43.330.904 Transfer of certain state energy office powers, duties, and functions—References to director—Appointment of assistant director. (1) All powers, duties, and functions of the state energy office relating to energy resource policy and planning and energy facility siting are transferred to the department of commerce. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of commerce when referring to the functions transferred in this section.

The director shall appoint an assistant director for energy policy, and energy policy staff shall have no additional responsibilities beyond activities concerning energy policy.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, software, database, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of commerce.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of commerce.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, database, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties pertaining to the energy facility site evaluation council are transferred to the jurisdiction of the department of commerce. All employees engaged in energy facility site evaluation council duties classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of commerce to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(5) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(7) The department of commerce shall direct the closure of the financial records of the state energy office.

(8) Responsibility for implementing energy education, applied research, and technology transfer programs rests with Washington State University. The department of commerce shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs under an interagency agreement with the department of commerce. The interagency agreement shall also outline the working relationship between the department of commerce and Washington State University as it pertains to the relationship between energy policy development and public outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant,

contract, or fee-for-service funding for energy or related programs directly from other entities. [2023 c 470 s 2082; 1996 c 186 s 101.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Findings—Intent—1996 c 186: "The legislature finds responsibilities of state government need to be limited to core services in support of public safety and welfare. Services provided by the Washington state energy office are primarily advisory and can be eliminated. The legislature further finds a need to redefine the state's role in energy-related regulatory functions. The state may be better served by allowing regulatory functions to be performed by other appropriate entities, simplifying state government while maintaining core services. Further, it is the intent of the legislature that the state continue to receive oil overcharge restitution funds for our citizens while every effort is being made to maximize federal funds available for energy conservation purposes." [1996 c 186 s 1.]

Part headings not law—1996 c 186: "Part headings used in this act do not constitute part of the law." [1996 c 186 s 602.]

Effective date—1996 c 186: "This act shall take effect July 1, 1996." [1996 c 186 s 603.]

RCW 43.330.905 Transfer of powers, duties, and functions pertaining to county public health assistance. (1) All powers, duties, and functions of the department of commerce pertaining to county public health assistance are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on July 1, 2010, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before July 1, 2010.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2010 c 271 s 102.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 43.330.907 Transfer of powers, duties, and functions pertaining to administrative and support services for the building code council. (1) All powers, duties, and functions of the department of commerce pertaining to administrative and support services for the state building code council are transferred to the department of enterprise services. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the department of enterprise services when referring to the functions transferred in this section. Policy and planning assistance functions performed by the department of commerce remain with the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of enterprise services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of enterprise services. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of enterprise services.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on July 1, 2010, be transferred and credited to the department of enterprise services.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of enterprise services. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of enterprise services to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of enterprise services. All existing contracts and obligations shall remain in full force and shall be performed by the department of enterprise services.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before July 1, 2010.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of enterprise services under this section whose positions are within an existing bargaining unit description at the department of enterprise services shall become a part of the existing bargaining unit at the department of enterprise services and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2015 c 225 s 93; 2010 c 271 s 308.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 43.330.908 Transfer of powers, duties, and functions pertaining to the drug prosecution assistance program. (1) All powers, duties, and functions of the department of commerce pertaining to the drug prosecution assistance program are transferred to the criminal justice training commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the criminal justice training commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the criminal justice training commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the criminal justice training commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the criminal justice training commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on July 1, 2010, be transferred and credited to the criminal justice training commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the criminal justice training commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the criminal justice training commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the criminal justice training commission. All existing contracts and obligations shall remain in full force and shall be performed by the criminal justice training commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before July 1, 2010.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the criminal justice training commission under this section whose positions are within an existing bargaining unit description at the criminal justice training commission shall become a part of the existing bargaining unit at the criminal justice training commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2010 c 271 s 502.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 43.330.909 Transfer of powers, duties, and functions pertaining to the energy facility site evaluation council. (1) All administrative powers, duties, and functions of the department of commerce pertaining to the energy facility site evaluation council are transferred to the Washington utilities and transportation commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the Washington utilities and transportation commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington utilities and transportation commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the Washington utilities and transportation commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington utilities and transportation commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on July 1, 2010, be transferred and credited to the Washington utilities and transportation commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington utilities and transportation commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington utilities and transportation commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington utilities and transportation commission. All existing contracts and obligations shall remain in full force and shall be performed by the Washington utilities and transportation commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before July 1, 2010.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the Washington utilities and transportation commission under this section whose positions are within an existing bargaining unit description at the Washington utilities and transportation commission shall become a part of the existing bargaining unit at the Washington utilities and transportation commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2010 c 271 s 602.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 43.330.910 Transfer of certain powers, duties, and functions of the department of information services—High-speed internet activities. (1) All powers, duties, and functions of the department of information services pertaining to high-speed internet activities are transferred to the department of commerce. All references to the director or the department of information services in the Revised Code of Washington shall be construed to mean the director or the department of commerce when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of information services pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of information services in carrying out the powers, functions, and duties transferred shall be made available to the department of commerce. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of commerce.

(b) Any appropriations made to the department of information services for carrying out the powers, functions, and duties transferred shall, on October 1, 2011, be transferred and credited to the department of commerce.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of information services engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of commerce. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of commerce to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of information services pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(5) The transfer of the powers, duties, functions, and personnel of the department of information services shall not affect the validity of any act performed before October 1, 2011.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of information services assigned to the department of commerce under this section whose positions are within an existing bargaining unit description at the department of commerce shall become a part of the existing bargaining unit at the department of commerce and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2011 1st sp.s. c 43 s 1008.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

RCW 43.330.911 Short title—2015 c 69. This act may be known and cited as the "homeless youth prevention and protection act." [2015 c 69 s 2.]

RCW 43.330.912 Conflict with federal requirements—2015 c 296. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. [2015 c 296 s 11.]