

2SSB 6211 - S AMD 88

By Senators Murray, Ranker

ADOPTED 02/13/2012

1 On page 14, after line 14, insert the following:

2 "NEW SECTION. **Sec. 4.** A new section is added to chapter 70.105D  
3 RCW to read as follows:

4 (1) The brownfield redevelopment trust fund account is created in  
5 the state treasury. All receipts from the sources identified in  
6 subsection (2) of this section may be deposited into the account.  
7 Moneys in the account may be spent only after appropriation.  
8 Expenditures from the account may be used only as identified in  
9 subsection (4) of this section.

10 (2) The following receipts must be deposited into the brownfield  
11 redevelopment trust fund account:

12 (a) Moneys appropriated by the legislature to the account for a  
13 specific redevelopment opportunity zone established under section 5 of  
14 this act or a specific brownfield renewal authority established under  
15 section 6 of this act;

16 (b) Moneys voluntarily deposited in the account for a specific  
17 redevelopment opportunity zone or a specific brownfield renewal  
18 authority; and

19 (c) Receipts from settlements or court orders that direct payment  
20 to the account for a specific redevelopment opportunity zone to resolve  
21 a person's liability or potential liability under this chapter.

22 (3) If a settlement or court order does not direct payment of  
23 receipts described in subsection (2)(c) of this section into the  
24 brownfield redevelopment trust fund account, then the receipts from any  
25 payment to the state must be deposited into the state toxics control  
26 account established under RCW 70.105D.070.

27 (4) Expenditures from the brownfield redevelopment trust fund  
28 account may only be used for the purposes of remediation and cleanup at  
29 the specific redevelopment opportunity zone or specific brownfield  
30 renewal authority for which the moneys were deposited in the account.

1 (5) The department shall track moneys received, interest earned,  
2 and moneys expended separately for each facility.

3 (6) The account must retain its interest earnings in accordance  
4 with RCW 43.84.092.

5 (7) The local government designating the redevelopment opportunity  
6 zone under section 5 of this act or the associated brownfield renewal  
7 authority created under section 6 of this act must be the beneficiary  
8 of the deposited moneys.

9 (8) All expenditures must be used to conduct remediation and  
10 cleanup consistent with a plan for the remediation and cleanup of the  
11 properties or facilities approved by the department under this chapter.  
12 All expenditures must meet the eligibility requirements for the use by  
13 local governments under the rules for remedial action grants adopted by  
14 the department under this chapter, including requirements for the  
15 expenditure of nonstate match funding.

16 (9) Beginning October 31, 2012, the department must provide a  
17 biennial report to the office of financial management and the  
18 legislature regarding the activity for each specific redevelopment  
19 opportunity zone or specific brownfield renewal authority for which  
20 specific legislative appropriation was provided in the previous two  
21 fiscal years.

22 (10) After the department determines that all remedial actions  
23 within the redevelopment opportunity zone identified in the plan  
24 approved under subsection (8) of this section are completed, including  
25 payment of all cost reasonably attributable to the remedial actions and  
26 cleanup, any remaining moneys must be transferred to the state toxics  
27 control account established under RCW 70.105D.070.

28 (11) If the department determines that substantial progress has not  
29 been made on the plan approved under subsection (8) of this section for  
30 a redevelopment opportunity zone or specific brownfield renewal  
31 authority for which moneys were deposited in the account within six  
32 years, or that the brownfield renewal authority is no longer a viable  
33 entity, then all remaining moneys must be transferred to the state  
34 toxics control account established under RCW 70.105D.070.

35 (12) The department is authorized to adopt rules to implement this  
36 section."

1       Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.

3       On page 15, line 35, after "been made" insert "on the plan approved  
4 under section 4 of this act"

5       On page 34, after line 5, insert the following:

6       "**Sec. 10.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st  
7 sp.s. c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c  
8 272 s 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and  
9 amended to read as follows:

10       (1) All earnings of investments of surplus balances in the state  
11 treasury shall be deposited to the treasury income account, which  
12 account is hereby established in the state treasury.

13       (2) The treasury income account shall be utilized to pay or receive  
14 funds associated with federal programs as required by the federal cash  
15 management improvement act of 1990. The treasury income account is  
16 subject in all respects to chapter 43.88 RCW, but no appropriation is  
17 required for refunds or allocations of interest earnings required by  
18 the cash management improvement act. Refunds of interest to the  
19 federal treasury required under the cash management improvement act  
20 fall under RCW 43.88.180 and shall not require appropriation. The  
21 office of financial management shall determine the amounts due to or  
22 from the federal government pursuant to the cash management improvement  
23 act. The office of financial management may direct transfers of funds  
24 between accounts as deemed necessary to implement the provisions of the  
25 cash management improvement act, and this subsection. Refunds or  
26 allocations shall occur prior to the distributions of earnings set  
27 forth in subsection (4) of this section.

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

1 (4) Monthly, the state treasurer shall distribute the earnings  
2 credited to the treasury income account. The state treasurer shall  
3 credit the general fund with all the earnings credited to the treasury  
4 income account except:

5 (a) The following accounts and funds shall receive their  
6 proportionate share of earnings based upon each account's and fund's  
7 average daily balance for the period: The aeronautics account, the  
8 aircraft search and rescue account, the brownfield redevelopment trust  
9 fund account, the budget stabilization account, the capital vessel  
10 replacement account, the capitol building construction account, the  
11 Cedar River channel construction and operation account, the Central  
12 Washington University capital projects account, the charitable,  
13 educational, penal and reformatory institutions account, the cleanup  
14 settlement account, the Columbia river basin water supply development  
15 account, the Columbia river basin taxable bond water supply development  
16 account, the Columbia river basin water supply revenue recovery  
17 account, the common school construction fund, the county arterial  
18 preservation account, the county criminal justice assistance account,  
19 the county sales and use tax equalization account, the deferred  
20 compensation administrative account, the deferred compensation  
21 principal account, the department of licensing services account, the  
22 department of retirement systems expense account, the developmental  
23 disabilities community trust account, the drinking water assistance  
24 account, the drinking water assistance administrative account, the  
25 drinking water assistance repayment account, the Eastern Washington  
26 University capital projects account, the Interstate 405 express toll  
27 lanes operations account, the education construction fund, the  
28 education legacy trust account, the election account, the energy  
29 freedom account, the energy recovery act account, the essential rail  
30 assistance account, The Evergreen State College capital projects  
31 account, the federal forest revolving account, the ferry bond  
32 retirement fund, the freight congestion relief account, the freight  
33 mobility investment account, the freight mobility multimodal account,  
34 the grade crossing protective fund, the public health services account,  
35 the health system capacity account, the high capacity transportation  
36 account, the state higher education construction account, the higher  
37 education construction account, the highway bond retirement fund, the  
38 highway infrastructure account, the highway safety account, the high

1 occupancy toll lanes operations account, the hospital safety net  
2 assessment fund, the industrial insurance premium refund account, the  
3 judges' retirement account, the judicial retirement administrative  
4 account, the judicial retirement principal account, the local leasehold  
5 excise tax account, the local real estate excise tax account, the local  
6 sales and use tax account, the marine resources stewardship trust  
7 account, the medical aid account, the mobile home park relocation fund,  
8 the motor vehicle fund, the motorcycle safety education account, the  
9 multiagency permitting team account, the multimodal transportation  
10 account, the municipal criminal justice assistance account, the  
11 municipal sales and use tax equalization account, the natural resources  
12 deposit account, the oyster reserve land account, the pension funding  
13 stabilization account, the perpetual surveillance and maintenance  
14 account, the public employees' retirement system plan 1 account, the  
15 public employees' retirement system combined plan 2 and plan 3 account,  
16 the public facilities construction loan revolving account beginning  
17 July 1, 2004, the public health supplemental account, the public  
18 transportation systems account, the public works assistance account,  
19 the Puget Sound capital construction account, the Puget Sound ferry  
20 operations account, the Puyallup tribal settlement account, the real  
21 estate appraiser commission account, the recreational vehicle account,  
22 the regional mobility grant program account, the resource management  
23 cost account, the rural arterial trust account, the rural mobility  
24 grant program account, the rural Washington loan fund, the site closure  
25 account, the skilled nursing facility safety net trust fund, the small  
26 city pavement and sidewalk account, the special category C account, the  
27 special wildlife account, the state employees' insurance account, the  
28 state employees' insurance reserve account, the state investment board  
29 expense account, the state investment board commingled trust fund  
30 accounts, the state patrol highway account, the state route number 520  
31 civil penalties account, the state route number 520 corridor account,  
32 the state wildlife account, the supplemental pension account, the  
33 Tacoma Narrows toll bridge account, the teachers' retirement system  
34 plan 1 account, the teachers' retirement system combined plan 2 and  
35 plan 3 account, the tobacco prevention and control account, the tobacco  
36 settlement account, the transportation 2003 account (nickel account),  
37 the transportation equipment fund, the transportation fund, the  
38 transportation improvement account, the transportation improvement

1 board bond retirement account, the transportation infrastructure  
2 account, the transportation partnership account, the traumatic brain  
3 injury account, the tuition recovery trust fund, the University of  
4 Washington bond retirement fund, the University of Washington building  
5 account, the volunteer firefighters' and reserve officers' relief and  
6 pension principal fund, the volunteer firefighters' and reserve  
7 officers' administrative fund, the Washington judicial retirement  
8 system account, the Washington law enforcement officers' and  
9 firefighters' system plan 1 retirement account, the Washington law  
10 enforcement officers' and firefighters' system plan 2 retirement  
11 account, the Washington public safety employees' plan 2 retirement  
12 account, the Washington school employees' retirement system combined  
13 plan 2 and 3 account, the Washington state economic development  
14 commission account, the Washington state health insurance pool account,  
15 the Washington state patrol retirement account, the Washington State  
16 University building account, the Washington State University bond  
17 retirement fund, the water pollution control revolving fund, and the  
18 Western Washington University capital projects account. Earnings  
19 derived from investing balances of the agricultural permanent fund, the  
20 normal school permanent fund, the permanent common school fund, the  
21 scientific permanent fund, and the state university permanent fund  
22 shall be allocated to their respective beneficiary accounts.

23 (b) Any state agency that has independent authority over accounts  
24 or funds not statutorily required to be held in the state treasury that  
25 deposits funds into a fund or account in the state treasury pursuant to  
26 an agreement with the office of the state treasurer shall receive its  
27 proportionate share of earnings based upon each account's or fund's  
28 average daily balance for the period.

29 (5) In conformance with Article II, section 37 of the state  
30 Constitution, no treasury accounts or funds shall be allocated earnings  
31 without the specific affirmative directive of this section."

32 Renumber the remaining section consecutively and correct any  
33 internal references accordingly.

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By Senators Murray, Ranker

**ADOPTED 02/13/2012**

1        On page 1, line 3 of the title, after "70.105D.070" insert "and  
2 43.84.092"

EFFECT:        Adds a new appropriated account for the purposes of carrying out this act. The account retains its own interest.

**--- END ---**