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**SUBSTITUTE SENATE BILL 5937**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Benton, Haugen, Goings, Brown, Oke, Gardner, Winsley, Hale, Fraser and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to underground petroleum storage tanks; amending  
2 RCW 43.84.092, 43.84.092, 70.148.900, and 82.23A.902; adding a new  
3 section to chapter 70.148 RCW; providing an effective date; and  
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.148 RCW  
7 to read as follows:

8 (1) The legislature recognizes as a fundamental government purpose  
9 the need to protect the environment and human health. To that end the  
10 state has enacted laws designed to limit and prevent environmental  
11 damage and risk to public health and safety caused by underground  
12 petroleum storage tanks. Because of the high costs associated with  
13 correcting past environmental damage, many owners and operators of  
14 underground petroleum storage tanks are unable to afford completing  
15 required corrective action.

16 (2) The legislature intends to assist owners and operators in  
17 accomplishing required corrective action for past environmental damage  
18 caused by releases from underground petroleum storage tanks or bulk  
19 plant facilities.

1 (3) The legislature authorizes the director to establish a program  
2 of financial assistance for corrective action for owners and operators  
3 consisting of, but not limited to, the following:

4 (a) To qualify for financial assistance, the owner or operator must  
5 demonstrate financial hardship, and be insured under the pollution  
6 liability insurance agency reinsurance program.

7 (b) Financial assistance is limited to only that amount necessary  
8 to supplement the financial resources of the applicant.

9 (c) Financial assistance is limited to no more than seventy-five  
10 thousand dollars in value for corrective action for any underground  
11 storage tank site or bulk plant facility.

12 (4) The director may not expend more than five million dollars for  
13 the corrective action financial assistance program.

14 (5) The director may adopt all rules necessary to implement the  
15 corrective action financial assistance program.

16 (6) The director shall use the interest from the pollution  
17 liability insurance program trust account to fund this program.

18 **Sec. 2.** RCW 43.84.092 and 1997 c 218 s 5 are each amended to read  
19 as follows:

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

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

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

9 (4) Monthly, the state treasurer shall distribute the earnings  
10 credited to the treasury income account. The state treasurer shall  
11 credit the general fund with all the earnings credited to the treasury  
12 income account except:

13 (a) The following accounts and funds shall receive their  
14 proportionate share of earnings based upon each account's and fund's  
15 average daily balance for the period: The capitol building  
16 construction account, the Cedar River channel construction and  
17 operation account, the Central Washington University capital projects  
18 account, the charitable, educational, penal and reformatory  
19 institutions account, the common school construction fund, the county  
20 criminal justice assistance account, the county sales and use tax  
21 equalization account, the data processing building construction  
22 account, the deferred compensation administrative account, the deferred  
23 compensation principal account, the department of retirement systems  
24 expense account, the drinking water assistance account, the Eastern  
25 Washington University capital projects account, the education  
26 construction fund, the emergency reserve fund, the federal forest  
27 revolving account, the health services account, the public health  
28 services account, the health system capacity account, the personal  
29 health services account, the highway infrastructure account, the  
30 industrial insurance premium refund account, the judges' retirement  
31 account, the judicial retirement administrative account, the judicial  
32 retirement principal account, the local leasehold excise tax account,  
33 the local real estate excise tax account, the local sales and use tax  
34 account, the medical aid account, the mobile home park relocation fund,  
35 the municipal criminal justice assistance account, the municipal sales  
36 and use tax equalization account, the natural resources deposit  
37 account, the perpetual surveillance and maintenance account, the  
38 pollution liability insurance program trust account, the public  
39 employees' retirement system plan I account, the public employees'

1 retirement system plan II account, the Puyallup tribal settlement  
2 account, the resource management cost account, the site closure  
3 account, the special wildlife account, the state employees' insurance  
4 account, the state employees' insurance reserve account, the state  
5 investment board expense account, the state investment board commingled  
6 trust fund accounts, the supplemental pension account, the teachers'  
7 retirement system plan I account, the teachers' retirement system plan  
8 II account, the transportation infrastructure account, the tuition  
9 recovery trust fund, the University of Washington bond retirement fund,  
10 the University of Washington building account, the volunteer fire  
11 fighters' relief and pension principal account, the volunteer fire  
12 fighters' relief and pension administrative account, the Washington  
13 judicial retirement system account, the Washington law enforcement  
14 officers' and fire fighters' system plan I retirement account, the  
15 Washington law enforcement officers' and fire fighters' system plan II  
16 retirement account, the Washington state patrol retirement account, the  
17 Washington State University building account, the Washington State  
18 University bond retirement fund, the water pollution control revolving  
19 fund, and the Western Washington University capital projects account.  
20 Earnings derived from investing balances of the agricultural permanent  
21 fund, the normal school permanent fund, the permanent common school  
22 fund, the scientific permanent fund, and the state university permanent  
23 fund shall be allocated to their respective beneficiary accounts. All  
24 earnings to be distributed under this subsection (4)(a) shall first be  
25 reduced by the allocation to the state treasurer's service fund  
26 pursuant to RCW 43.08.190.

27 (b) The following accounts and funds shall receive eighty percent  
28 of their proportionate share of earnings based upon each account's or  
29 fund's average daily balance for the period: The aeronautics account,  
30 the aircraft search and rescue account, the central Puget Sound public  
31 transportation account, the city hardship assistance account, the  
32 county arterial preservation account, the department of licensing  
33 services account, the economic development account, the essential rail  
34 assistance account, the essential rail banking account, the ferry bond  
35 retirement fund, the gasohol exemption holding account, the grade  
36 crossing protective fund, the high capacity transportation account, the  
37 highway bond retirement fund, the highway construction stabilization  
38 account, the highway safety account, the marine operating fund, the  
39 motor vehicle fund, the motorcycle safety education account, the

1 pilotage account, the public transportation systems account, the Puget  
2 Sound capital construction account, the Puget Sound ferry operations  
3 account, the recreational vehicle account, the rural arterial trust  
4 account, the safety and education account, the small city account, the  
5 special category C account, the state patrol highway account, the  
6 transfer relief account, the transportation capital facilities account,  
7 the transportation equipment fund, the transportation fund, the  
8 transportation improvement account, the transportation revolving loan  
9 account, and the urban arterial trust account.

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

13 **Sec. 3.** RCW 43.84.092 and 1998 c 341 s 708 are each amended to  
14 read as follows:

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

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

33 (3) Except for the provisions of RCW 43.84.160, the treasury income  
34 account may be utilized for the payment of purchased banking services  
35 on behalf of treasury funds including, but not limited to, depository,  
36 safekeeping, and disbursement functions for the state treasury and  
37 affected state agencies. The treasury income account is subject in all  
38 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to  
2 distribution of earnings set forth in subsection (4) of this section.

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

7 (a) The following accounts and funds shall receive their  
8 proportionate share of earnings based upon each account's and fund's  
9 average daily balance for the period: The capitol building  
10 construction account, the Cedar River channel construction and  
11 operation account, the Central Washington University capital projects  
12 account, the charitable, educational, penal and reformatory  
13 institutions account, the common school construction fund, the county  
14 criminal justice assistance account, the county sales and use tax  
15 equalization account, the data processing building construction  
16 account, the deferred compensation administrative account, the deferred  
17 compensation principal account, the department of retirement systems  
18 expense account, the drinking water assistance account, the Eastern  
19 Washington University capital projects account, the education  
20 construction fund, the emergency reserve fund, the federal forest  
21 revolving account, the health services account, the public health  
22 services account, the health system capacity account, the personal  
23 health services account, the highway infrastructure account, the  
24 industrial insurance premium refund account, the judges' retirement  
25 account, the judicial retirement administrative account, the judicial  
26 retirement principal account, the local leasehold excise tax account,  
27 the local real estate excise tax account, the local sales and use tax  
28 account, the medical aid account, the mobile home park relocation fund,  
29 the municipal criminal justice assistance account, the municipal sales  
30 and use tax equalization account, the natural resources deposit  
31 account, the perpetual surveillance and maintenance account, the  
32 pollution liability insurance program trust account, the public  
33 employees' retirement system plan I account, the public employees'  
34 retirement system plan II account, the Puyallup tribal settlement  
35 account, the resource management cost account, the site closure  
36 account, the special wildlife account, the state employees' insurance  
37 account, the state employees' insurance reserve account, the state  
38 investment board expense account, the state investment board commingled  
39 trust fund accounts, the supplemental pension account, the teachers'

1 retirement system plan I account, the teachers' retirement system  
2 combined plan II and plan III account, the transportation  
3 infrastructure account, the tuition recovery trust fund, the University  
4 of Washington bond retirement fund, the University of Washington  
5 building account, the volunteer fire fighters' relief and pension  
6 principal account, the volunteer fire fighters' relief and pension  
7 administrative account, the Washington judicial retirement system  
8 account, the Washington law enforcement officers' and fire fighters'  
9 system plan I retirement account, the Washington law enforcement  
10 officers' and fire fighters' system plan II retirement account, the  
11 Washington school employees' retirement system combined plan II and III  
12 account, the Washington state patrol retirement account, the Washington  
13 State University building account, the Washington State University bond  
14 retirement fund, the water pollution control revolving fund, and the  
15 Western Washington University capital projects account. Earnings  
16 derived from investing balances of the agricultural permanent fund, the  
17 normal school permanent fund, the permanent common school fund, the  
18 scientific permanent fund, and the state university permanent fund  
19 shall be allocated to their respective beneficiary accounts. All  
20 earnings to be distributed under this subsection (4)(a) shall first be  
21 reduced by the allocation to the state treasurer's service fund  
22 pursuant to RCW 43.08.190.

23 (b) The following accounts and funds shall receive eighty percent  
24 of their proportionate share of earnings based upon each account's or  
25 fund's average daily balance for the period: The aeronautics account,  
26 the aircraft search and rescue account, the central Puget Sound public  
27 transportation account, the city hardship assistance account, the  
28 county arterial preservation account, the department of licensing  
29 services account, the economic development account, the essential rail  
30 assistance account, the essential rail banking account, the ferry bond  
31 retirement fund, the gasohol exemption holding account, the grade  
32 crossing protective fund, the high capacity transportation account, the  
33 highway bond retirement fund, the highway construction stabilization  
34 account, the highway safety account, the marine operating fund, the  
35 motor vehicle fund, the motorcycle safety education account, the  
36 pilotage account, the public transportation systems account, the Puget  
37 Sound capital construction account, the Puget Sound ferry operations  
38 account, the recreational vehicle account, the rural arterial trust  
39 account, the safety and education account, the small city account, the

1 special category C account, the state patrol highway account, the  
2 transfer relief account, the transportation capital facilities account,  
3 the transportation equipment fund, the transportation fund, the  
4 transportation improvement account, the transportation revolving loan  
5 account, and the urban arterial trust account.

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

9 **Sec. 4.** RCW 70.148.900 and 1995 c 12 s 2 are each amended to read  
10 as follows:

11 This chapter (~~shall~~) expires June 1, (~~2001~~) 2006.

12 **Sec. 5.** RCW 82.23A.902 and 1996 c 88 s 3 are each amended to read  
13 as follows:

14 This chapter (~~shall~~) expires ~~((on))~~ June 1, (~~2001~~) 2006,  
15 coinciding with the expiration of chapter 70.148 RCW.

16 NEW SECTION. **Sec. 6.** Section 2 of this act expires September 1,  
17 2000.

18 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect September  
19 1, 2000.

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