
SENATE BILL 5360

State of Washington

57th Legislature

2001 Regular Session

By Senators Thibaudeau, Winsley and Kohl-Welles; by request of Department of Health

Read first time 01/19/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to obtaining and expending funds for the public
2 health system; amending RCW 43.70.040 and 43.79A.040; adding a new
3 section to chapter 43.70 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that developing,
6 creating, and maintaining partnerships between the public and private
7 sectors can enhance and augment current public health services. The
8 legislature further finds that the department of health should have the
9 ability to establish such partnerships, and seek out and accept gifts,
10 grants, and other funding to advance worthy public health goals and
11 programs.

12 (2) It is the intent of the legislature that gifts and other funds
13 received by the department of health under the authority granted by RCW
14 43.70.040 may be used to expand or enhance program operations so long
15 as program standards established by the department are maintained, but
16 may not supplant or replace funds for federal, state, county, or city-
17 supported programs.

1 **Sec. 2.** RCW 43.70.040 and 1995 c 403 s 105 are each amended to
2 read as follows:

3 In addition to any other powers granted the secretary, the
4 secretary may:

5 (1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to
6 carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.:
7 PROVIDED, That for rules adopted after July 23, 1995, the secretary may
8 not rely solely on a section of law stating a statute's intent or
9 purpose, on the enabling provisions of the statute establishing the
10 agency, or on any combination of such provisions, for statutory
11 authority to adopt any rule;

12 (2) Appoint such advisory committees as may be necessary to carry
13 out the provisions of chapter 9, Laws of 1989 1st ex. sess. Members of
14 such advisory committees are authorized to receive travel expenses in
15 accordance with RCW 43.03.050 and 43.03.060. The secretary and the
16 board of health shall review each advisory committee within their
17 jurisdiction and each statutory advisory committee on a biennial basis
18 to determine if such advisory committee is needed(~~(. The criteria~~
19 ~~specified in RCW 43.131.070 shall be used to determine whether or not~~
20 ~~each advisory committee shall be continued))~~);

21 (3) Undertake studies, research, and analysis necessary to carry
22 out the provisions of chapter 9, Laws of 1989 1st ex. sess. in
23 accordance with RCW 43.70.050;

24 (4) Delegate powers, duties, and functions of the department to
25 employees of the department as the secretary deems necessary to carry
26 out the provisions of chapter 9, Laws of 1989 1st ex. sess.;

27 (5) Enter into contracts on behalf of the department to carry out
28 the purposes of chapter 9, Laws of 1989 1st ex. sess.;

29 (6) Act for the state in the initiation of, or the participation
30 in, any intergovernmental program to the purposes of chapter 9, Laws of
31 1989 1st ex. sess.; or

32 (7) Solicit and accept gifts, grants, bequests, devises, or other
33 funds from public and private sources.

34 **NEW SECTION. Sec. 3.** A new section is added to chapter 43.70 RCW
35 to read as follows:

36 (1) The public health supplemental account is created in the
37 custody of the state treasurer. Only receipts from gifts, bequests,
38 devises, or funds whose use is determined to further the purposes of

1 the account may be deposited into the account. Expenditures from the
2 account may be used only for maintaining and improving the health of
3 Washington residents through the public health system. Only the
4 secretary of health or the secretary's designee may authorize
5 expenditures from the account. The account is subject to allotment
6 procedures under chapter 43.88 RCW, but an appropriation is not
7 required for expenditures.

8 (2) The state investment board shall invest the funds in the public
9 health supplemental account and, except for costs under RCW 43.33A.160
10 and 43.84.160, the account shall retain all earnings from these
11 investments.

12 (3) The department shall file an annual statement of the financial
13 condition, transactions, and affairs of any program funded under this
14 section in a form and manner prescribed by the office of financial
15 management. A copy of the annual statement shall be filed with the
16 speaker of the house of representatives and the president of the
17 senate.

18 **Sec. 4.** RCW 43.79A.040 and 2000 c 79 s 45 are each amended to read
19 as follows:

20 (1) Money in the treasurer's trust fund may be deposited, invested,
21 and reinvested by the state treasurer in accordance with RCW 43.84.080
22 in the same manner and to the same extent as if the money were in the
23 state treasury.

24 (2) All income received from investment of the treasurer's trust
25 fund shall be set aside in an account in the treasury trust fund to be
26 known as the investment income account.

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

35 (4)(a) Monthly, the state treasurer shall distribute the earnings
36 credited to the investment income account to the state general fund
37 except under (b) and (c) of this subsection.

1 (b) The following accounts and funds shall receive their
2 proportionate share of earnings based upon each account's or fund's
3 average daily balance for the period: The Washington advanced college
4 tuition payment program account, the agricultural local fund, the
5 American Indian scholarship endowment fund, the basic health plan self-
6 insurance reserve account, the Washington international exchange
7 scholarship endowment fund, the developmental disabilities endowment
8 trust fund, the energy account, the fair fund, the game farm
9 alternative account, the grain inspection revolving fund, the juvenile
10 accountability incentive account, the public health supplemental
11 account, the rural rehabilitation account, the stadium and exhibition
12 center account, the youth athletic facility ((~~grant~~)) account, the
13 self-insurance revolving fund, the sulfur dioxide abatement account,
14 and the children's trust fund. However, the earnings to be distributed
15 shall first be reduced by the allocation to the state treasurer's
16 service fund pursuant to RCW 43.08.190.

17 (c) The following accounts and funds shall receive eighty percent
18 of their proportionate share of earnings based upon each account's or
19 fund's average daily balance for the period: The advanced right of way
20 revolving fund, the advanced environmental mitigation revolving
21 account, the federal narcotics asset forfeitures account, the high
22 occupancy vehicle account, the local rail service assistance account,
23 and the miscellaneous transportation programs account.

24 (5) In conformance with Article II, section 37 of the state
25 Constitution, no trust accounts or funds shall be allocated earnings
26 without the specific affirmative directive of this section.

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