

SSB 5207 - H AMD 873

By Representative Clibborn

ADOPTED 04/18/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Subject to availability of amounts
4 appropriated for this specific purpose, the joint transportation
5 committee shall:

6 (a) Administer a consultant study of funding mechanisms for deposit
7 in the freight congestion relief account created in section 2 of this
8 act to fund freight congestion relief investments. At a minimum, the
9 study must: (i) Evaluate federal, state, incentive, and other project
10 specific fees; (ii) analyze current taxes and fees paid by the freight
11 industry and the projects the taxes and fees fund; (iii) assess other
12 nonfreight-related fees and taxes that could be used to pay for freight
13 congestion relief investments; (iv) assess how other states and
14 countries pay for freight congestion relief investments; (v) discuss
15 the various approaches and their impacts on Washington competitiveness
16 in freight movement; (vi) assess the imposition of a shipping
17 container-based fee, port-related user fees, or other funding
18 mechanisms on the demand elasticity of the movement of freight goods
19 through Washington's container ports at various rates as well as
20 forecast diversion of marine cargo at various price points; (vii)
21 measure the return on investment in freight rail and highway-based
22 infrastructure supported by the user fee and its impact on forecast
23 growth in shipping container traffic and the movement of freight goods;
24 and (viii) recommend the structure of a future project recommendation
25 body including its membership, process, and selection criteria. The
26 scope of the work for the study may be expanded to include analysis of
27 other issues relevant to freight congestion relief funding; and

28 (b) Convene a stakeholder group composed of representatives to work
29 on the consultant study that includes: Two representatives of

1 container ports, one representative of trucking, one representative
2 from railroads, one representative from international shipping, one
3 representative from national shipping, two representatives of organized
4 labor, two representatives of the import/export community, one
5 representative from the department of transportation, one
6 representative from the freight mobility strategic investment board,
7 and other representatives as deemed necessary by the joint
8 transportation committee. The stakeholder group shall work with the
9 selected consultant in: (i) Identifying critical freight congestion
10 relief investments; (ii) identifying alternatives for a dedicated
11 funding source for freight congestion relief investments or user fees
12 to fund specific freight congestion relief investments; and (iii)
13 developing and reviewing a final consultant study.

14 (2) The consultant's draft report must be submitted to the
15 transportation committees of the legislature by December 15, 2007, with
16 the final findings and recommendations of the report being due prior to
17 the beginning of the 2008 legislative session.

18 (3) This section expires January 14, 2008.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.68 RCW
20 to read as follows:

21 The freight congestion relief account is created in the state
22 treasury. Moneys in the account may be spent only after appropriation.
23 Expenditures from the account may only be used to provide congestion
24 relief through the improvement of freight rail systems and state
25 highways that function as freight corridors.

26 **Sec. 3.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
27 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
28 amended to read as follows:

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

32 (2) The treasury income account shall be utilized to pay or receive
33 funds associated with federal programs as required by the federal cash
34 management improvement act of 1990. The treasury income account is
35 subject in all respects to chapter 43.88 RCW, but no appropriation is
36 required for refunds or allocations of interest earnings required by

1 the cash management improvement act. Refunds of interest to the
2 federal treasury required under the cash management improvement act
3 fall under RCW 43.88.180 and shall not require appropriation. The
4 office of financial management shall determine the amounts due to or
5 from the federal government pursuant to the cash management improvement
6 act. The office of financial management may direct transfers of funds
7 between accounts as deemed necessary to implement the provisions of the
8 cash management improvement act, and this subsection. Refunds or
9 allocations shall occur prior to the distributions of earnings set
10 forth in subsection (4) of this section.

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

19 (4) Monthly, the state treasurer shall distribute the earnings
20 credited to the treasury income account. The state treasurer shall
21 credit the general fund with all the earnings credited to the treasury
22 income account except:

23 (a) The following accounts and funds shall receive their
24 proportionate share of earnings based upon each account's and fund's
25 average daily balance for the period: The capitol building
26 construction account, the Cedar River channel construction and
27 operation account, the Central Washington University capital projects
28 account, the charitable, educational, penal and reformatory
29 institutions account, the Columbia river basin water supply development
30 account, the common school construction fund, the county criminal
31 justice assistance account, the county sales and use tax equalization
32 account, the data processing building construction account, the
33 deferred compensation administrative account, the deferred compensation
34 principal account, the department of retirement systems expense
35 account, the developmental disabilities community trust account, the
36 drinking water assistance account, the drinking water assistance
37 administrative account, the drinking water assistance repayment
38 account, the Eastern Washington University capital projects account,

1 the education construction fund, the education legacy trust account,
2 the election account, the emergency reserve fund, the energy freedom
3 account, The Evergreen State College capital projects account, the
4 federal forest revolving account, the freight congestion relief
5 account, the freight mobility investment account, the freight mobility
6 multimodal account, the health services account, the public health
7 services account, the health system capacity account, the personal
8 health services account, the state higher education construction
9 account, the higher education construction account, the highway
10 infrastructure account, the high-occupancy toll lanes operations
11 account, the industrial insurance premium refund account, the judges'
12 retirement account, the judicial retirement administrative account, the
13 judicial retirement principal account, the local leasehold excise tax
14 account, the local real estate excise tax account, the local sales and
15 use tax account, the medical aid account, the mobile home park
16 relocation fund, the multimodal transportation account, the municipal
17 criminal justice assistance account, the municipal sales and use tax
18 equalization account, the natural resources deposit account, the oyster
19 reserve land account, the pension funding stabilization account, the
20 perpetual surveillance and maintenance account, the public employees'
21 retirement system plan 1 account, the public employees' retirement
22 system combined plan 2 and plan 3 account, the public facilities
23 construction loan revolving account beginning July 1, 2004, the public
24 health supplemental account, the public works assistance account, the
25 Puyallup tribal settlement account, the real estate appraiser
26 commission account, the regional mobility grant program account, the
27 resource management cost account, the rural Washington loan fund, the
28 site closure account, the small city pavement and sidewalk account, the
29 special wildlife account, the state employees' insurance account, the
30 state employees' insurance reserve account, the state investment board
31 expense account, the state investment board commingled trust fund
32 accounts, the supplemental pension account, the Tacoma Narrows toll
33 bridge account, the teachers' retirement system plan 1 account, the
34 teachers' retirement system combined plan 2 and plan 3 account, the
35 tobacco prevention and control account, the tobacco settlement account,
36 the transportation infrastructure account, the transportation
37 partnership account, the tuition recovery trust fund, the University of
38 Washington bond retirement fund, the University of Washington building

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

21 (b) The following accounts and funds shall receive eighty percent
22 of their proportionate share of earnings based upon each account's or
23 fund's average daily balance for the period: The aeronautics account,
24 the aircraft search and rescue account, the county arterial
25 preservation account, the department of licensing services account, the
26 essential rail assistance account, the ferry bond retirement fund, the
27 grade crossing protective fund, the high capacity transportation
28 account, the highway bond retirement fund, the highway safety account,
29 the motor vehicle fund, the motorcycle safety education account, the
30 pilotage account, the public transportation systems account, the Puget
31 Sound capital construction account, the Puget Sound ferry operations
32 account, the recreational vehicle account, the rural arterial trust
33 account, the safety and education account, the special category C
34 account, the state patrol highway account, the transportation 2003
35 account (nickel account), the transportation equipment fund, the
36 transportation fund, the transportation improvement account, the
37 transportation improvement board bond retirement account, and the urban
38 arterial trust account.

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

4 Correct the title.

EFFECT: The Joint Transportation Committee is directed to
administer a consultant study of funding mechanisms to improve freight
corridors. The consultant will utilize a stakeholder group that
represents the different industries that utilize the freight corridors
in Washington. The study will include the identification of critical
freight congestion relief investments and identification of
alternatives for funding freight congestion relief projects with a
draft consultant report submitted to the Legislature by December 15,
2007, and the final draft being completed prior to the beginning of the
2008 legislative session. The Freight Congestion Relief Account is
created in the State Treasury.

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