

SB 6722 - H COMM AMD  
By Committee on Appropriations

ADOPTED 03/05/2008

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105D  
4 RCW to read as follows:

5 (1) The cleanup settlement account is created in the state  
6 treasury. The account is not intended to replace the state toxics  
7 control account established under RCW 70.105D.070. All receipts from  
8 the sources identified in subsection (2) of this section must be  
9 deposited into the account. Moneys in the account may be spent only  
10 after appropriation. Expenditures from the account may be used only as  
11 identified in subsection (4) of this section.

12 (2) The following receipts must be deposited into the cleanup  
13 settlement account:

14 (a) Receipts from settlements or court orders that direct payment  
15 to the account and resolve a person's liability or potential liability  
16 under this chapter for either or both of the following:

17 (i) Conducting future remedial action at a specific facility, if it  
18 is not feasible to require the person to conduct the remedial action  
19 based on the person's financial insolvency, limited ability to pay, or  
20 insignificant contribution under RCW 70.105D.040(4)(a);

21 (ii) Assessing or addressing the injury to natural resources caused  
22 by the release of a hazardous substance from a specific facility; and

23 (b) Receipts from investment of the moneys in the account.

24 (3) If a settlement or court order does not direct payment of  
25 receipts described in subsection (2)(a) of this section into the  
26 cleanup settlement account, then the receipts from any payment to the  
27 state must be deposited into the state toxics control account.

28 (4) Expenditures from the cleanup settlement account may only be  
29 used to conduct remedial actions at the specific facility or to assess  
30 or address the injury to natural resources caused by the release of

1 hazardous substances from that facility for which the moneys were  
2 deposited in the account. Conducting remedial actions or assessing or  
3 addressing injury to natural resources includes direct expenditures and  
4 indirect expenditures such as department oversight costs.

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

7 (6) After the department determines that all remedial actions at a  
8 specific facility, and all actions assessing or addressing injury to  
9 natural resources caused by the release of hazardous substances from  
10 that facility, are completed, including payment of all related costs,  
11 any moneys remaining for the specific facility must be transferred to  
12 the state toxics control account established under RCW 70.105D.070.

13 (7) The department shall provide the office of financial management  
14 and the fiscal committees of the legislature with a report by October  
15 31st of each year regarding the activity within the cleanup settlement  
16 account during the previous fiscal year.

17 **Sec. 2.** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are  
18 each reenacted and amended to read as follows:

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

22 (2) The treasury income account shall be utilized to pay or receive  
23 funds associated with federal programs as required by the federal cash  
24 management improvement act of 1990. The treasury income account is  
25 subject in all respects to chapter 43.88 RCW, but no appropriation is  
26 required for refunds or allocations of interest earnings required by  
27 the cash management improvement act. Refunds of interest to the  
28 federal treasury required under the cash management improvement act  
29 fall under RCW 43.88.180 and shall not require appropriation. The  
30 office of financial management shall determine the amounts due to or  
31 from the federal government pursuant to the cash management improvement  
32 act. The office of financial management may direct transfers of funds  
33 between accounts as deemed necessary to implement the provisions of the  
34 cash management improvement act, and this subsection. Refunds or  
35 allocations shall occur prior to the distributions of earnings set  
36 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 cleanup settlement account, the Columbia  
20 river basin water supply development account, the common school  
21 construction fund, the county criminal justice assistance account, the  
22 county sales and use tax equalization account, the data processing  
23 building construction account, the deferred compensation administrative  
24 account, the deferred compensation principal account, the department of  
25 retirement systems expense account, the developmental disabilities  
26 community trust account, the drinking water assistance account, the  
27 drinking water assistance administrative account, the drinking water  
28 assistance repayment account, the Eastern Washington University capital  
29 projects account, the education construction fund, the education legacy  
30 trust account, the election account, the emergency reserve fund, the  
31 energy freedom account, The Evergreen State College capital projects  
32 account, the federal forest revolving account, the freight congestion  
33 relief account, the freight mobility investment account, the freight  
34 mobility multimodal account, the health services account, the public  
35 health services account, the health system capacity account, the  
36 personal health services account, the state higher education  
37 construction account, the higher education construction account, the  
38 highway infrastructure account, the high-occupancy toll lanes

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

1 health insurance pool account, the Washington state patrol retirement  
2 account, the Washington State University building account, the  
3 Washington State University bond retirement fund, the water pollution  
4 control revolving fund, and the Western Washington University capital  
5 projects account. Earnings derived from investing balances of the  
6 agricultural permanent fund, the normal school permanent fund, the  
7 permanent common school fund, the scientific permanent fund, and the  
8 state university permanent fund shall be allocated to their respective  
9 beneficiary accounts. All earnings to be distributed under this  
10 subsection (4)(a) shall first be reduced by the allocation to the state  
11 treasurer's service fund pursuant to RCW 43.08.190.

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

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

33 **Sec. 3.** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 484 s 4, and 2007  
34 c 356 s 9 are each reenacted and amended to read as follows:

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

1 (2) The treasury income account shall be utilized to pay or receive  
2 funds associated with federal programs as required by the federal cash  
3 management improvement act of 1990. The treasury income account is  
4 subject in all respects to chapter 43.88 RCW, but no appropriation is  
5 required for refunds or allocations of interest earnings required by  
6 the cash management improvement act. Refunds of interest to the  
7 federal treasury required under the cash management improvement act  
8 fall under RCW 43.88.180 and shall not require appropriation. The  
9 office of financial management shall determine the amounts due to or  
10 from the federal government pursuant to the cash management improvement  
11 act. The office of financial management may direct transfers of funds  
12 between accounts as deemed necessary to implement the provisions of the  
13 cash management improvement act, and this subsection. Refunds or  
14 allocations shall occur prior to the distributions of earnings set  
15 forth in subsection (4) of this section.

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

24 (4) Monthly, the state treasurer shall distribute the earnings  
25 credited to the treasury income account. The state treasurer shall  
26 credit the general fund with all the earnings credited to the treasury  
27 income account except:

28 (a) The following accounts and funds shall receive their  
29 proportionate share of earnings based upon each account's and fund's  
30 average daily balance for the period: The budget stabilization  
31 account, the capitol building construction account, the Cedar River  
32 channel construction and operation account, the Central Washington  
33 University capital projects account, the charitable, educational, penal  
34 and reformatory institutions account, the cleanup settlement account,  
35 the Columbia river basin water supply development account, the common  
36 school construction fund, the county criminal justice assistance  
37 account, the county sales and use tax equalization account, the data  
38 processing building construction account, the deferred compensation

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

1 teachers' retirement system combined plan 2 and plan 3 account, the  
2 tobacco prevention and control account, the tobacco settlement account,  
3 the transportation infrastructure account, the transportation  
4 partnership account, the traumatic brain injury account, the tuition  
5 recovery trust fund, the University of Washington bond retirement fund,  
6 the University of Washington building account, the volunteer  
7 firefighters' and reserve officers' relief and pension principal fund,  
8 the volunteer firefighters' and reserve officers' administrative fund,  
9 the Washington fruit express account, the Washington judicial  
10 retirement system account, the Washington law enforcement officers' and  
11 firefighters' system plan 1 retirement account, the Washington law  
12 enforcement officers' and firefighters' system plan 2 retirement  
13 account, the Washington public safety employees' plan 2 retirement  
14 account, the Washington school employees' retirement system combined  
15 plan 2 and 3 account, the Washington state health insurance pool  
16 account, the Washington state patrol retirement account, the Washington  
17 State University building account, the Washington State University bond  
18 retirement fund, the water pollution control revolving fund, and the  
19 Western Washington University capital projects account. Earnings  
20 derived from investing balances of the agricultural permanent fund, the  
21 normal school permanent fund, the permanent common school fund, the  
22 scientific permanent fund, and the state university permanent fund  
23 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 county arterial  
31 preservation account, the department of licensing services account, the  
32 essential rail assistance account, the ferry bond retirement fund, the  
33 grade crossing protective fund, the high capacity transportation  
34 account, the highway bond retirement fund, the highway safety account,  
35 the 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



1 account, the safety and education account, the special category C  
2 account, the state patrol highway account, the transportation 2003  
3 account (nickel account), the transportation equipment fund, the  
4 transportation fund, the transportation improvement account, the  
5 transportation improvement board bond retirement account, and the urban  
6 arterial trust account.

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

10 **Sec. 4.** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, 2007 c  
11 484 s 4, and 2007 c 356 s 9 are each reenacted and amended to read as  
12 follows:

13 (1) All earnings of investments of surplus balances in the state  
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19 subject in all respects to chapter 43.88 RCW, but no appropriation is  
20 required for refunds or allocations of interest earnings required by  
21 the cash management improvement act. Refunds of interest to the  
22 federal treasury required under the cash management improvement act  
23 fall under RCW 43.88.180 and shall not require appropriation. The  
24 office of financial management shall determine the amounts due to or  
25 from the federal government pursuant to the cash management improvement  
26 act. The office of financial management may direct transfers of funds  
27 between accounts as deemed necessary to implement the provisions of the  
28 cash management improvement act, and this subsection. Refunds or  
29 allocations shall occur prior to the distributions of earnings set  
30 forth in subsection (4) of this section.

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

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

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

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

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

23 NEW SECTION. **Sec. 5.** (1) Section 2 of this act expires July 1,  
24 2008.

25 (2) Section 3 of this act expires July 1, 2009.

26 NEW SECTION. **Sec. 6.** (1) Section 3 of this act takes effect July  
27 1, 2008.

28 (2) Section 4 of this act takes effect July 1, 2009."

29 Correct the title.

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