

ESHB 2289 - S AMD 414

By Senator Rockefeller

ADOPTED 04/17/2009

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

3 "NEW SECTION. **Sec. 1.** The legislature intends to modify the
4 energy freedom program and account in order to receive federal funds
5 and other sources of funding. Also, the legislature intends to expand
6 the mission of the energy freedom program to accelerate energy
7 efficiency improvements, renewable energy improvements, and deployment
8 of innovative energy technologies. Additionally, the legislature
9 intends to support, through the energy freedom program, research,
10 demonstration, and commercialization of energy efficiency improvements,
11 renewable energy improvements, and innovation energy technologies.

12 **Sec. 2.** RCW 43.325.010 and 2007 c 348 s 301 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Applicant" means the state and any political subdivision of
17 the state, including port districts, counties, cities, towns, special
18 purpose districts, and other municipal corporations or quasi-municipal
19 corporations. "Applicant" may also include federally recognized tribes
20 ~~((and))~~, state institutions of higher education with appropriate
21 research capabilities, any organization described in section 501(c)(3)
22 of the internal revenue code, and private entities that are eligible to
23 receive federal funds.

24 (2) "Alternative fuel" means all products or energy sources used to
25 propel motor vehicles, other than conventional gasoline, diesel, or
26 reformulated gasoline. "Alternative fuel" includes, but is not limited
27 to, cellulose, liquefied petroleum gas, liquefied natural gas,
28 compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels
29 containing seventy percent or more by volume of alcohol fuel, fuels

1 that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel,
2 nonhazardous motor fuel, or electricity, excluding onboard electric
3 generation.

4 (3) "Assistance" includes loans, leases, product purchases, or
5 other forms of financial or technical assistance.

6 (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol,
7 and ethanol blend fuels and renewable liquid natural gas or liquid
8 compressed natural gas made from biogas.

9 (5) "Biogas" includes waste gases derived from landfills and
10 wastewater treatment plants and dairy and farm wastes.

11 (6) "Cellulose" means lignocellulosic, hemicellulosic, or other
12 cellulosic matter that is available on a renewable or recurring basis,
13 including dedicated energy crops and trees, wood and wood residues,
14 plants, grasses, agricultural residues, fibers, animal wastes and other
15 waste materials, and municipal solid waste.

16 (7) "Coordinator" means the person appointed by the director of the
17 department of community, trade, and economic development.

18 (8) "Department" means the department of community, trade, and
19 economic development.

20 (9) "Director" means the director of the department of community,
21 trade, and economic development.

22 (10) "Energy efficiency improvement" means an installation or
23 modification that is designed to reduce energy consumption. The term
24 includes, but is not limited to: Insulation; storm windows and doors;
25 automatic energy control systems; energy efficiency audits; heating,
26 ventilating, or air conditioning and distribution system modifications
27 or replacements in buildings or central plants; caulking and weather
28 stripping; energy recovery systems; geothermal heat pumps; and day
29 lighting systems.

30 (11) "Green highway zone" means an area in the state designated by
31 the department that is within reasonable proximity of state route
32 number 5, state route number 90, and state route number 82.

33 ((+11)) (12) "Innovative energy technology" means, but is not
34 limited to, the following: Smart grid or smart metering; biogas from
35 landfills, wastewater treatment plants, anaerobic digesters, or other
36 processes; wave or tidal power; fuel cells; high efficiency
37 cogeneration; and energy storage systems.

1 (13) "Peer review committee" means a board, appointed by the
2 director, that includes bioenergy specialists, energy conservation
3 specialists, scientists, and individuals with specific recognized
4 expertise.

5 ~~((+12+))~~ (14) "Project" ~~((means))~~ includes: (a) The construction
6 of facilities, including the purchase of equipment, to convert farm
7 products or wastes into electricity or gaseous or liquid fuels or other
8 coproducts associated with such conversion; (b) clean energy projects
9 identified by the clean energy leadership council, created in section
10 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009; and
11 (c) energy efficiency improvements, renewable energy improvements, or
12 innovative energy technologies. These specifically include fixed or
13 mobile facilities to generate electricity or methane from the anaerobic
14 digestion of organic matter, and fixed or mobile facilities for
15 extracting oils from canola, rape, mustard, and other oilseeds.
16 "Project" may also include the construction of facilities associated
17 with such conversion for the distribution and storage of such
18 feedstocks and fuels. The definition of project does not apply to
19 projects as described in RCW 43.325.020(5).

20 (15) "Renewable energy improvements" means a fixture, product,
21 system, device, or interacting group of devices that produces energy
22 from renewable resources. The term includes, but is not limited to:
23 Photovoltaic systems; solar thermal systems; small wind systems;
24 biomass systems; and geothermal systems.

25 ~~((+13+))~~ (16) "Refueling project" means the construction of new
26 alternative fuel refueling facilities, as well as upgrades and
27 expansion of existing refueling facilities, that will enable these
28 facilities to offer alternative fuels to the public.

29 ~~((+14+))~~ (17) "Research and development project" means research and
30 development, by an institution of higher education as defined in
31 subsection (1) of this section, relating to:

32 (a) Bioenergy sources including but not limited to biomass and
33 associated gases; or

34 (b) The development of markets for bioenergy coproducts.

35 **Sec. 3.** RCW 43.325.020 and 2007 c 348 s 302 are each amended to
36 read as follows:

37 (1) The energy freedom program is established within the

1 department. The director may establish policies and procedures
2 necessary for processing, reviewing, and approving applications made
3 under this chapter.

4 (2) When reviewing applications submitted under this program, the
5 director shall consult with those agencies and other public entities
6 having expertise and knowledge to assess the technical and business
7 feasibility of the project and probability of success. These agencies
8 may include, but are not limited to, Washington State University, the
9 University of Washington, the department of ecology, the department of
10 natural resources, the department of agriculture, the department of
11 general administration, local clean air authorities, ~~((and))~~ the
12 Washington state conservation commission, and the clean energy
13 leadership council created in section 2, chapter . . . (Substitute
14 Senate Bill No. 5921), Laws of 2009.

15 (3) Except as provided in subsections (4) and (5) of this section,
16 the director, in cooperation with the department of agriculture, may
17 approve an application only if the director finds:

18 (a) The project will convert farm products, wastes, cellulose, or
19 biogas directly into electricity or biofuel or other coproducts
20 associated with such conversion;

21 (b) The project demonstrates technical feasibility and directly
22 assists in moving a commercially viable project into the marketplace
23 for use by Washington state citizens;

24 (c) The facility will produce long-term economic benefits to the
25 state, a region of the state, or a particular community in the state;

26 (d) The project does not require continuing state support;

27 (e) The assistance will result in new jobs, job retention, or
28 higher incomes for citizens of the state;

29 (f) The state is provided an option under the assistance agreement
30 to purchase a portion of the fuel or feedstock to be produced by the
31 project, exercisable by the department of general administration;

32 (g) The project will increase energy independence or diversity for
33 the state;

34 (h) The project will use feedstocks produced in the state, if
35 feasible, except this criterion does not apply to the construction of
36 facilities used to distribute and store fuels that are produced from
37 farm products or wastes;

1 (i) Any product produced by the project will be suitable for its
2 intended use, will meet accepted national or state standards, and will
3 be stored and distributed in a safe and environmentally sound manner;

4 (j) The application provides for adequate reporting or disclosure
5 of financial and employment data to the director, and permits the
6 director to require an annual or other periodic audit of the project
7 books; and

8 (k) For research and development projects, the application has been
9 independently reviewed by a peer review committee as defined in RCW
10 43.325.010 and the findings delivered to the director.

11 (4) When reviewing an application for a refueling project, the
12 coordinator may award a grant or a loan to an applicant if the director
13 finds:

14 (a) The project will offer alternative fuels to the motoring
15 public;

16 (b) The project does not require continued state support;

17 (c) The project is located within a green highway zone as defined
18 in RCW 43.325.010;

19 (d) The project will contribute towards an efficient and adequately
20 spaced alternative fuel refueling network along the green highways
21 designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

22 (e) The project will result in increased access to alternative
23 fueling infrastructure for the motoring public along the green highways
24 designated in RCW 47.17.020, 47.17.135, and 47.17.140.

25 (5) When reviewing an application for energy efficiency
26 improvements, renewable energy improvements, or innovative energy
27 technology, the director may award a grant or a loan to an applicant if
28 the director finds:

29 (a) The project or program will result in increased access for the
30 public, state and local governments, and businesses to energy
31 efficiency improvements, renewable energy improvements, or innovative
32 energy technologies;

33 (b) The project or program demonstrates technical feasibility and
34 directly assists in moving a commercially viable project into the
35 marketplace for use by Washington state citizens;

36 (c) The project or program does not require continued state
37 support; or

1 (d) The federal government has provided funds with a limited time
2 frame for use for energy independence and security, energy efficiency,
3 renewable energy, innovative energy technologies, or conservation.

4 (6)(a) The director may approve a project application for
5 assistance under subsection (3) of this section up to five million
6 dollars. In no circumstances shall this assistance constitute more
7 than fifty percent of the total project cost.

8 (b) The director may approve a refueling project application for a
9 grant or a loan under subsection (4) of this section up to fifty
10 thousand dollars. In no circumstances shall a grant or a loan award
11 constitute more than fifty percent of the total project cost.

12 (~~(6)~~) (7) The director shall enter into agreements with approved
13 applicants to fix the terms and rates of the assistance to minimize the
14 costs to the applicants, and to encourage establishment of a viable
15 bioenergy or biofuel industry, or a viable energy efficiency, renewable
16 energy, or innovative energy technology industry. The agreement shall
17 include provisions to protect the state's investment, including a
18 requirement that a successful applicant enter into contracts with any
19 partners that may be involved in the use of any assistance provided
20 under this program, including services, facilities, infrastructure, or
21 equipment. Contracts with any partners shall become part of the
22 application record.

23 (~~(7)~~) (8) The director may defer any payments for up to twenty-
24 four months or until the project starts to receive revenue from
25 operations, whichever is sooner.

26 **Sec. 4.** RCW 43.325.030 and 2007 c 348 s 205 are each amended to
27 read as follows:

28 The director of the department shall appoint a coordinator that is
29 responsible for:

30 (1) Managing, directing, inventorying, and coordinating state
31 efforts to promote, develop, and encourage (~~(a)~~) biofuel(~~(s)~~) and
32 energy efficiency, renewable energy, and innovative energy technology
33 markets in Washington;

34 (2) Developing, coordinating, and overseeing the implementation of
35 a plan, or series of plans, for the production, transport,
36 distribution, and delivery of biofuels produced predominantly from
37 recycled products or Washington feedstocks;

1 (3) Working with the departments of transportation and general
2 administration, and other applicable state and local governmental
3 entities and the private sector, to ensure the development of biofuel
4 fueling stations for use by state and local governmental motor vehicle
5 fleets, and to provide greater availability of public biofuel fueling
6 stations for use by state and local governmental motor vehicle fleets;

7 (4) Coordinating with the Western Washington University alternative
8 automobile program for opportunities to support new Washington state
9 technology for conversion of fossil fuel fleets to biofuel, hybrid, or
10 alternative fuel propulsion;

11 (5) Coordinating with the University of Washington's college of
12 forest management and the Olympic natural resources center for the
13 identification of barriers to using the state's forest resources for
14 fuel production, including the economic and transportation barriers of
15 physically bringing forest biomass to the market;

16 (6) Coordinating with the department of agriculture and Washington
17 State University for the identification of other barriers for future
18 biofuels development and development of strategies for furthering the
19 penetration of the Washington state fossil fuel market with Washington
20 produced biofuels, particularly among public entities.

21 **Sec. 5.** RCW 43.325.040 and 2007 c 348 s 305 are each amended to
22 read as follows:

23 (1) The energy freedom account is created in the state treasury.
24 All receipts from appropriations made to the account and any loan
25 payments of principal and interest derived from loans made under (~~this~~
26 ~~chapter~~) the energy freedom account must be deposited into the
27 account. Moneys in the account may be spent only after appropriation.
28 Expenditures from the account may be used only for financial assistance
29 for further funding for projects consistent with this chapter or
30 otherwise authorized by the legislature.

31 (2) The green energy incentive account is created in the state
32 treasury as a subaccount of the energy freedom account. All receipts
33 from appropriations made to the green energy incentive account shall be
34 deposited into the account, and may be spent only after appropriation.
35 Expenditures from the account may be used only for:

36 (a) Refueling projects awarded under this chapter;

1 (b) Pilot projects for plug-in hybrids, including grants provided
2 for the electrification program set forth in RCW 43.325.110; and

3 (c) Demonstration projects developed with state universities as
4 defined in RCW 28B.10.016 and local governments that result in the
5 design and building of a hydrogen vehicle fueling station.

6 (3)(a) The energy recovery act account is created in the state
7 treasury. State and federal funds may be deposited into the account
8 and any loan payments of principal and interest derived from loans made
9 from the energy recovery act account must be deposited into the
10 account. Moneys in the account may be spent only after appropriation.

11 (b) Expenditures from the account may be used only for loans, loan
12 guarantees, and grants that encourage the establishment of innovative
13 and sustainable industries for renewable energy and energy efficiency
14 technology, including but not limited to:

15 (i) Renewable energy projects or programs that require interim
16 financing to complete project development and implementation;

17 (ii) Companies with innovative, near-commercial or commercial,
18 clean energy technology; and

19 (iii) Energy efficiency technologies that have a viable repayment
20 stream from reduced utility costs.

21 (c) The director shall establish policies and procedures for
22 processing, reviewing, and approving applications for funding under
23 this section. When developing these policies and procedures, the
24 department must consider the clean energy leadership strategy developed
25 under section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws
26 of 2009.

27 (d) The director shall enter into agreements with approved
28 applicants to fix the term and rates of funding provided from this
29 account.

30 (e) The policies and procedures of this subsection (3) do not apply
31 to assistance awarded for projects under RCW 43.325.020(3).

32 (4) Any state agency receiving funding from the energy freedom
33 account is prohibited from retaining greater than three percent of any
34 funding provided from the energy freedom account for administrative
35 overhead or other deductions not directly associated with conducting
36 the research, projects, or other end products that the funding is
37 designed to produce unless this provision is waived in writing by the
38 director.

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

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

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

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

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

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

1 account, the state investment board expense account, the state
2 investment board commingled trust fund accounts, the supplemental
3 pension account, the Tacoma Narrows toll bridge account, the teachers'
4 retirement system plan 1 account, the teachers' retirement system
5 combined plan 2 and plan 3 account, the tobacco prevention and control
6 account, the tobacco settlement account, the transportation
7 infrastructure account, the transportation partnership account, the
8 traumatic brain injury account, the tuition recovery trust fund, the
9 University of Washington bond retirement fund, the University of
10 Washington building account, the volunteer firefighters' and reserve
11 officers' relief and pension principal fund, the volunteer
12 firefighters' and reserve officers' administrative fund, the Washington
13 fruit express account, the Washington judicial retirement system
14 account, the Washington law enforcement officers' and firefighters'
15 system plan 1 retirement account, the Washington law enforcement
16 officers' and firefighters' system plan 2 retirement account, the
17 Washington public safety employees' plan 2 retirement account, the
18 Washington school employees' retirement system combined plan 2 and 3
19 account, the Washington state health insurance pool account, the
20 Washington state patrol retirement account, the Washington State
21 University building account, the Washington State University bond
22 retirement fund, the water pollution control revolving fund, and the
23 Western Washington University capital projects account. Earnings
24 derived from investing balances of the agricultural permanent fund, the
25 normal school permanent fund, the permanent common school fund, the
26 scientific permanent fund, and the state university permanent fund
27 shall be allocated to their respective beneficiary accounts. All
28 earnings to be distributed under this subsection (4)(a) shall first be
29 reduced by the allocation to the state treasurer's service fund
30 pursuant to RCW 43.08.190.

31 (b) The following accounts and funds shall receive eighty percent
32 of their proportionate share of earnings based upon each account's or
33 fund's average daily balance for the period: The aeronautics account,
34 the aircraft search and rescue account, the county arterial
35 preservation account, the department of licensing services account, the
36 essential rail assistance account, the ferry bond retirement fund, the
37 grade crossing protective fund, the high capacity transportation
38 account, the highway bond retirement fund, the highway safety account,

1 the motor vehicle fund, the motorcycle safety education account, the
2 pilotage account, the public transportation systems account, the Puget
3 Sound capital construction account, the Puget Sound ferry operations
4 account, the recreational vehicle account, the rural arterial trust
5 account, the safety and education account, the special category C
6 account, the state patrol highway account, the transportation 2003
7 account (nickel account), the transportation equipment fund, the
8 transportation fund, the transportation improvement account, the
9 transportation improvement board bond retirement account, and the urban
10 arterial trust account.

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

14 **Sec. 8.** RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are
15 each reenacted and amended to read as follows:

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

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

34 (3) Except for the provisions of RCW 43.84.160, the treasury income
35 account may be utilized for the payment of purchased banking services
36 on behalf of treasury funds including, but not limited to, depository,
37 safekeeping, and disbursement functions for the state treasury and

1 affected state agencies. The treasury income account is subject in all
2 respects to chapter 43.88 RCW, but no appropriation is required for
3 payments to financial institutions. Payments shall occur prior to
4 distribution of earnings set forth in subsection (4) of this section.

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

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

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

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

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

25 NEW SECTION. **Sec. 9.** Section 8 of this act takes effect July 1,
26 2009.

27 NEW SECTION. **Sec. 10.** (1) Sections 2, 3, 5, and 6 of this act
28 expire June 30, 2016.

29 (2) Section 7 of this act expires July 1, 2009.

30 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately."

ESHB 2289 - S AMD

By Senator Rockefeller

ADOPTED 04/17/2009

1 On page 1, line 1 of the title, after "program;" strike the
2 remainder of the title and insert "amending RCW 43.325.010, 43.325.020,
3 43.325.030, 43.325.040, 43.325.070, and 43.84.092; reenacting and
4 amending RCW 43.84.092; creating a new section; providing an effective
5 date; providing expiration dates; and declaring an emergency."

--- END ---