
SENATE BILL 5287

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hill and Hargrove; by request of Office of Financial Management

Read first time 01/24/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to eliminating accounts and funds; amending RCW
2 19.146.205, 64.44.060, 70.116.134, 41.05.140, 82.45.180, and
3 70.122.130; reenacting and amending RCW 43.84.092, 43.84.092,
4 43.79A.040, 82.44.180, and 43.99H.020; creating a new section;
5 repealing RCW 13.40.466, 27.34.410, 28B.10.851, 28B.14D.040,
6 28B.121.070, 36.120.200, 41.45.230, 43.31.805, 43.60A.153, 43.60A.215,
7 43.63A.315, 43.63A.766, 43.70.325, 43.83H.030, 43.338.030, 46.68.330,
8 49.78.350, 70.47A.080, 70.122.140, 72.72.030, 77.70.450, and
9 81.100.070; providing an effective date; providing a contingent
10 effective date; providing a contingent expiration date; and declaring
11 an emergency.

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

13 **Sec. 1.** RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c
14 187 s 14, and 2012 c 83 s 4 are each reenacted and amended to read as
15 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.

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 aeronautics account, the
31 aircraft search and rescue account, the Alaskan Way viaduct replacement
32 project account, the budget stabilization account, the capital vessel
33 replacement account, the capitol building construction account, the
34 Cedar River channel construction and operation account, the Central
35 Washington University capital projects account, the charitable,
36 educational, penal and reformatory institutions account, the cleanup
37 settlement account, the Columbia river basin water supply development
38 account, the Columbia river basin taxable bond water supply development

1 account, the Columbia river basin water supply revenue recovery
2 account, the common school construction fund, the county arterial
3 preservation account, the county criminal justice assistance account,
4 the deferred compensation administrative account, the deferred
5 compensation principal account, the department of licensing services
6 account, the department of retirement systems expense account, the
7 developmental disabilities community trust account, the drinking water
8 assistance account, the drinking water assistance administrative
9 account, the drinking water assistance repayment account, the Eastern
10 Washington University capital projects account, the Interstate 405
11 express toll lanes operations account, the education construction fund,
12 the education legacy trust account, the election account, the energy
13 freedom account, the energy recovery act account, the essential rail
14 assistance account, The Evergreen State College capital projects
15 account, the federal forest revolving account, the ferry bond
16 retirement fund, (~~the freight congestion relief account,~~) the freight
17 mobility investment account, the freight mobility multimodal account,
18 the grade crossing protective fund, the public health services account,
19 the high capacity transportation account, (~~the state higher education
20 construction account,~~) the higher education construction account, the
21 highway bond retirement fund, the highway infrastructure account, the
22 highway safety (~~account~~ ~~[fund]~~) fund, the high occupancy toll lanes
23 operations account, the hospital safety net assessment fund, 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 marine resources stewardship trust account, the medical
29 aid account, the mobile home park relocation fund, the motor vehicle
30 fund, the motorcycle safety education account, the multimodal
31 transportation account, the municipal criminal justice assistance
32 account, the natural resources deposit account, the oyster reserve land
33 account, (~~the pension funding stabilization account,~~) the perpetual
34 surveillance and maintenance account, the public employees' retirement
35 system plan 1 account, the public employees' retirement system combined
36 plan 2 and plan 3 account, the public facilities construction loan
37 revolving account beginning July 1, 2004, the public health
38 supplemental account, (~~the public transportation systems account,~~)

1 the public works assistance account, the Puget Sound capital
2 construction account, the Puget Sound ferry operations account, (~~the~~
3 ~~Puyallup tribal settlement account,~~) the real estate appraiser
4 commission account, the recreational vehicle account, the regional
5 mobility grant program account, the resource management cost account,
6 the rural arterial trust account, the rural mobility grant program
7 account, the rural Washington loan fund, the site closure account, the
8 skilled nursing facility safety net trust fund, the small city pavement
9 and sidewalk account, the special category C account, the special
10 wildlife account, the state employees' insurance account, the state
11 employees' insurance reserve account, the state investment board
12 expense account, the state investment board commingled trust fund
13 accounts, the state patrol highway account, the state route number 520
14 civil penalties account, the state route number 520 corridor account,
15 the state wildlife account, the supplemental pension account, the
16 Tacoma Narrows toll bridge account, the teachers' retirement system
17 plan 1 account, the teachers' retirement system combined plan 2 and
18 plan 3 account, the tobacco prevention and control account, the tobacco
19 settlement account, the toll facility bond retirement account, the
20 transportation 2003 account (nickel account), the transportation
21 equipment fund, the transportation fund, the transportation improvement
22 account, the transportation improvement board bond retirement account,
23 the transportation infrastructure account, the transportation
24 partnership account, the traumatic brain injury account, the tuition
25 recovery trust fund, the University of Washington bond retirement fund,
26 the University of Washington building account, the volunteer
27 firefighters' and reserve officers' relief and pension principal fund,
28 the volunteer firefighters' and reserve officers' administrative fund,
29 the Washington judicial retirement system account, the Washington law
30 enforcement officers' and firefighters' system plan 1 retirement
31 account, the Washington law enforcement officers' and firefighters'
32 system plan 2 retirement account, the Washington public safety
33 employees' plan 2 retirement account, the Washington school employees'
34 retirement system combined plan 2 and 3 account, the Washington state
35 economic development commission account, the Washington state health
36 insurance pool account, the Washington state patrol retirement account,
37 the Washington State University building account, the Washington State
38 University bond retirement fund, the water pollution control revolving

1 fund, and the Western Washington University capital projects account.
2 Earnings derived from investing balances of the agricultural permanent
3 fund, the normal school permanent fund, the permanent common school
4 fund, the scientific permanent fund, the state university permanent
5 fund, and the state reclamation revolving account shall be allocated to
6 their respective beneficiary accounts.

7 (b) Any state agency that has independent authority over accounts
8 or funds not statutorily required to be held in the state treasury that
9 deposits funds into a fund or account in the state treasury pursuant to
10 an agreement with the office of the state treasurer shall receive its
11 proportionate share of earnings based upon each account's or fund's
12 average daily balance for the period.

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

16 **Sec. 2.** RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c
17 187 s 14, 2012 c 83 s 4, and 2012 c 36 s 5 are each reenacted and
18 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 aeronautics account, the
16 aircraft search and rescue account, the Alaskan Way viaduct replacement
17 project account, the budget stabilization account, the capital vessel
18 replacement account, the capitol building construction account, the
19 Cedar River channel construction and operation account, the Central
20 Washington University capital projects account, the charitable,
21 educational, penal and reformatory institutions account, the cleanup
22 settlement account, the Columbia river basin water supply development
23 account, the Columbia river basin taxable bond water supply development
24 account, the Columbia river basin water supply revenue recovery
25 account, the Columbia river crossing project account, the common school
26 construction fund, the county arterial preservation account, the county
27 criminal justice assistance account, the deferred compensation
28 administrative account, the deferred compensation principal account,
29 the department of licensing services account, the department of
30 retirement systems expense account, the developmental disabilities
31 community trust account, the drinking water assistance account, the
32 drinking water assistance administrative account, the drinking water
33 assistance repayment account, the Eastern Washington University capital
34 projects account, the Interstate 405 express toll lanes operations
35 account, the education construction fund, the education legacy trust
36 account, the election account, the energy freedom account, the energy
37 recovery act account, the essential rail assistance account, The
38 Evergreen State College capital projects account, the federal forest

1 revolving account, the ferry bond retirement fund, (~~the freight~~
2 ~~congestion relief account,~~) the freight mobility investment account,
3 the freight mobility multimodal account, the grade crossing protective
4 fund, the public health services account, the high capacity
5 transportation account, (~~the state higher education construction~~
6 ~~account,~~) the higher education construction account, the highway bond
7 retirement fund, the highway infrastructure account, the highway safety
8 (~~account [fund]~~) fund, the high occupancy toll lanes operations
9 account, the hospital safety net assessment fund, the industrial
10 insurance premium refund account, the judges' retirement account, the
11 judicial retirement administrative account, the judicial retirement
12 principal account, the local leasehold excise tax account, the local
13 real estate excise tax account, the local sales and use tax account,
14 the marine resources stewardship trust account, the medical aid
15 account, the mobile home park relocation fund, the motor vehicle fund,
16 the motorcycle safety education account, the multimodal transportation
17 account, the municipal criminal justice assistance account, the natural
18 resources deposit account, the oyster reserve land account, (~~the~~
19 ~~pension funding stabilization account,~~) the perpetual surveillance and
20 maintenance account, the public employees' retirement system plan 1
21 account, the public employees' retirement system combined plan 2 and
22 plan 3 account, the public facilities construction loan revolving
23 account beginning July 1, 2004, the public health supplemental account,
24 (~~the public transportation systems account,~~) the public works
25 assistance account, the Puget Sound capital construction account, the
26 Puget Sound ferry operations account, (~~the Puyallup tribal settlement~~
27 ~~account,~~) the real estate appraiser commission account, the
28 recreational vehicle account, the regional mobility grant program
29 account, the resource management cost account, the rural arterial trust
30 account, the rural mobility grant program account, the rural Washington
31 loan fund, the site closure account, the skilled nursing facility
32 safety net trust fund, the small city pavement and sidewalk account,
33 the special category C account, the special wildlife account, the state
34 employees' insurance account, the state employees' insurance reserve
35 account, the state investment board expense account, the state
36 investment board commingled trust fund accounts, the state patrol
37 highway account, the state route number 520 civil penalties account,
38 the state route number 520 corridor account, the state wildlife

1 account, the supplemental pension account, the Tacoma Narrows toll
2 bridge account, the teachers' retirement system plan 1 account, the
3 teachers' retirement system combined plan 2 and plan 3 account, the
4 tobacco prevention and control account, the tobacco settlement account,
5 the toll facility bond retirement account, the transportation 2003
6 account (nickel account), the transportation equipment fund, the
7 transportation fund, the transportation improvement account, the
8 transportation improvement board bond retirement account, the
9 transportation infrastructure account, the transportation partnership
10 account, the traumatic brain injury account, the tuition recovery trust
11 fund, the University of Washington bond retirement fund, the University
12 of Washington building account, the volunteer firefighters' and reserve
13 officers' relief and pension principal fund, the volunteer
14 firefighters' and reserve officers' administrative fund, the Washington
15 judicial retirement system account, the Washington law enforcement
16 officers' and firefighters' system plan 1 retirement account, the
17 Washington law enforcement officers' and firefighters' system plan 2
18 retirement account, the Washington public safety employees' plan 2
19 retirement account, the Washington school employees' retirement system
20 combined plan 2 and 3 account, the Washington state economic
21 development commission account, the Washington state health insurance
22 pool account, the Washington state patrol retirement account, the
23 Washington State University building account, the Washington State
24 University bond retirement fund, the water pollution control revolving
25 fund, and the Western Washington University capital projects account.
26 Earnings derived from investing balances of the agricultural permanent
27 fund, the normal school permanent fund, the permanent common school
28 fund, the scientific permanent fund, the state university permanent
29 fund, and the state reclamation revolving account shall be allocated to
30 their respective beneficiary accounts.

31 (b) Any state agency that has independent authority over accounts
32 or funds not statutorily required to be held in the state treasury that
33 deposits funds into a fund or account in the state treasury pursuant to
34 an agreement with the office of the state treasurer shall receive its
35 proportionate share of earnings based upon each account's or fund's
36 average daily balance for the period.

37 (5) In conformance with Article II, section 37 of the state

1 Constitution, no treasury accounts or funds shall be allocated earnings
2 without the specific affirmative directive of this section.

3 **Sec. 3.** RCW 43.79A.040 and 2012 c 198 s 8, 2012 c 196 s 6, 2012 c
4 187 s 13, and 2012 c 114 s 3 are each reenacted and amended to read as
5 follows:

6 (1) Money in the treasurer's trust fund may be deposited, invested,
7 and reinvested by the state treasurer in accordance with RCW 43.84.080
8 in the same manner and to the same extent as if the money were in the
9 state treasury, and may be commingled with moneys in the state treasury
10 for cash management and cash balance purposes.

11 (2) All income received from investment of the treasurer's trust
12 fund must be set aside in an account in the treasury trust fund to be
13 known as the investment income account.

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

22 (4)(a) Monthly, the state treasurer must distribute the earnings
23 credited to the investment income account to the state general fund
24 except under (b), (c), and (d) of this subsection.

25 (b) The following accounts and funds must receive their
26 proportionate share of earnings based upon each account's or fund's
27 average daily balance for the period: The Washington promise
28 scholarship account, the Washington advanced college tuition payment
29 program account, the accessible communities account, the community and
30 technical college innovation account, the agricultural local fund, the
31 American Indian scholarship endowment fund, the foster care scholarship
32 endowment fund, the foster care endowed scholarship trust fund, (~~the~~
33 ~~basic health plan self insurance reserve account,~~) the contract
34 harvesting revolving account, the Washington state combined fund drive
35 account, the commemorative works account, the county enhanced 911
36 excise tax account, the toll collection account, the developmental
37 disabilities endowment trust fund, the energy account, the fair fund,

1 the family leave insurance account, (~~the food animal veterinarian~~
2 ~~conditional scholarship account,~~) the fruit and vegetable inspection
3 account, the future teachers conditional scholarship account, the game
4 farm alternative account, the GET ready for math and science
5 scholarship account, the Washington global health technologies and
6 product development account, the grain inspection revolving fund, the
7 industrial insurance rainy day fund, the juvenile accountability
8 incentive account, the law enforcement officers' and firefighters' plan
9 2 expense fund, the local tourism promotion account, the multiagency
10 permitting team account, the pilotage account, the produce railcar pool
11 account, (~~the regional transportation investment district account,~~)
12 the rural rehabilitation account, the stadium and exhibition center
13 account, the youth athletic facility account, the self-insurance
14 revolving fund, the children's trust fund, the Washington horse racing
15 commission Washington bred owners' bonus fund and breeder awards
16 account, the Washington horse racing commission class C purse fund
17 account, the individual development account program account, the
18 Washington horse racing commission operating account (earnings from the
19 Washington horse racing commission operating account must be credited
20 to the Washington horse racing commission class C purse fund account),
21 the life sciences discovery fund, the Washington state heritage center
22 account, (~~and~~) the reduced cigarette ignition propensity account, the
23 center for childhood deafness and hearing loss account, (~~and~~) the
24 school for the blind account, the Millersylvania park trust fund, the
25 public employees' and retirees' insurance reserve fund, and the
26 radiation perpetual maintenance fund.

27 (c) The following accounts and funds must receive eighty percent of
28 their proportionate share of earnings based upon each account's or
29 fund's average daily balance for the period: The advanced right-of-way
30 revolving fund, the advanced environmental mitigation revolving
31 account, the federal narcotics asset forfeitures account, (~~the high~~
32 ~~occupancy vehicle account,~~) the local rail service assistance account,
33 and the miscellaneous transportation programs account.

34 (d) Any state agency that has independent authority over accounts
35 or funds not statutorily required to be held in the custody of the
36 state treasurer that deposits funds into a fund or account in the
37 custody of the state treasurer pursuant to an agreement with the office

1 of the state treasurer shall receive its proportionate share of
2 earnings based upon each account's or fund's average daily balance for
3 the period.

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

7 **Sec. 4.** RCW 19.146.205 and 2009 c 528 s 4 are each amended to read
8 as follows:

9 (1) Application for a mortgage broker license under this chapter
10 must be made to the nationwide mortgage licensing system and registry
11 and in the form prescribed by the director. The application shall
12 contain at least the following information:

13 (a) The name, address, date of birth, and social security number of
14 the applicant, and any other names, dates of birth, or social security
15 numbers previously used by the applicant, unless waived by the
16 director;

17 (b) If the applicant is a partnership or association, the name,
18 address, date of birth, and social security number of each general
19 partner or principal of the association, and any other names, dates of
20 birth, or social security numbers previously used by the members,
21 unless waived by the director;

22 (c) If the applicant is a corporation, the name, address, date of
23 birth, and social security number of each officer, director, registered
24 agent, and each principal stockholder, and any other names, dates of
25 birth, or social security numbers previously used by the officers,
26 directors, registered agents, and principal stockholders unless waived
27 by the director;

28 (d) The street address, county, and municipality where the
29 principal business office is to be located;

30 (e) The name, address, date of birth, and social security number of
31 the applicant's designated broker, and any other names, dates of birth,
32 or social security numbers previously used by the designated broker and
33 a complete set of the designated broker's fingerprints taken by an
34 authorized law enforcement officer; and

35 (f) Such other information regarding the applicant's or designated
36 broker's background, financial responsibility, experience, character,
37 and general fitness as the director may require by rule.

1 (2) As a part of or in connection with an application for any
2 license under this section, or periodically upon license renewal, the
3 applicant shall furnish information concerning his or her identity,
4 including fingerprints for submission to the Washington state patrol,
5 the federal bureau of investigation, the nationwide mortgage licensing
6 system and registry, or any governmental agency or entity authorized to
7 receive this information for a state and national criminal history
8 background check; personal history; experience; business record;
9 purposes; and other pertinent facts, as the director may reasonably
10 require. As part of or in connection with an application for a license
11 under this chapter, the director is authorized to receive criminal
12 history record information that includes nonconviction data as defined
13 in RCW 10.97.030. The department may only disseminate nonconviction
14 data obtained under this section to criminal justice agencies. This
15 section does not apply to financial institutions regulated under
16 chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

17 (3) In order to reduce the points of contact which the federal
18 bureau of investigation may have to maintain, the director may use the
19 nationwide mortgage licensing system and registry as a channeling agent
20 for requesting information from and distributing information to the
21 department of justice or any governmental agency.

22 (4) In order to reduce the points of contact which the director may
23 have to maintain, the director may use the nationwide mortgage
24 licensing system and registry as a channeling agent for requesting and
25 distributing information to and from any source so directed by the
26 director.

27 (5) At the time of filing an application for a license under this
28 chapter, each applicant shall pay to the director through the
29 nationwide mortgage licensing system and registry the appropriate
30 application fee in an amount determined by rule of the director in
31 accordance with RCW 43.24.086 to cover, but not exceed, the cost of
32 processing and reviewing the application. The director shall deposit
33 the moneys in the financial services regulation fund, unless the
34 consumer services account is created as a dedicated, nonappropriated
35 account, in which case the director shall deposit the moneys in the
36 consumer services account.

37 (6)(a) Except as provided in (b) of this subsection, each applicant
38 for a mortgage broker's license shall file and maintain a surety bond,

1 in an amount which the director deems adequate to protect the public
2 interest, executed by the applicant as obligor and by a surety company
3 authorized to do a surety business in this state as surety. The
4 bonding requirement as established by the director shall take the form
5 of a range of bond amounts which shall vary according to the annual
6 loan origination volume of the licensee. The bond shall run to the
7 state of Washington as obligee, and shall run first to the benefit of
8 the borrower and then to the benefit of the state and any person or
9 persons who suffer loss by reason of the applicant's or its loan
10 originator's violation of any provision of this chapter or rules
11 adopted under this chapter. The bond shall be conditioned that the
12 obligor as licensee will faithfully conform to and abide by this
13 chapter and all rules adopted under this chapter, and shall reimburse
14 all persons who suffer loss by reason of a violation of this chapter or
15 rules adopted under this chapter. Borrowers shall be given priority
16 over the state and other persons. The state and other third parties
17 shall be allowed to receive distribution pursuant to a valid claim
18 against the remainder of the bond. In the case of claims made by any
19 person or entity who is not a borrower, no final judgment may be
20 entered prior to one hundred eighty days following the date the claim
21 is filed. The bond shall be continuous and may be canceled by the
22 surety upon the surety giving written notice to the director of its
23 intent to cancel the bond. The cancellation shall be effective thirty
24 days after the notice is received by the director. Whether or not the
25 bond is renewed, continued, reinstated, reissued, or otherwise
26 extended, replaced, or modified, including increases or decreases in
27 the penal sum, it shall be considered one continuous obligation, and
28 the surety upon the bond shall not be liable in an aggregate or
29 cumulative amount exceeding the penal sum set forth on the face of the
30 bond. In no event shall the penal sum, or any portion thereof, at two
31 or more points in time be added together in determining the surety's
32 liability. The bond shall not be liable for any penalties imposed on
33 the licensee, including, but not limited to, any increased damages or
34 attorneys' fees, or both, awarded under RCW 19.86.090. The applicant
35 may obtain the bond directly from the surety or through a group bonding
36 arrangement involving a professional organization comprised of mortgage
37 brokers if the arrangement provides at least as much coverage as is
38 required under this subsection.

1 (b) If the director determines that the bond required in (a) of
2 this subsection is not reasonably available, the director shall waive
3 the requirements for such a bond. (~~The mortgage recovery fund account
4 is created in the custody of the state treasurer. The director is
5 authorized to charge fees to fund the account. All fees charged under
6 this section, except those retained by the director for administration
7 of the fund [account], must be deposited into the mortgage recovery
8 fund account. Expenditures from the account may be used only for the
9 same purposes as the surety bond as described in (a) of this
10 subsection. Only the director or the director's designee may authorize
11 expenditures from the account. The account is subject to allotment
12 procedures under chapter 43.88 RCW, but an appropriation is not
13 required for expenditures. A person entitled to receive payment from
14 the mortgage recovery fund [account] may only receive reimbursement
15 after a court of competent jurisdiction has determined the actual
16 damages caused by the licensee. The director may determine by rule the
17 procedure for recovery; the amount each mortgage broker must pay
18 through the nationwide mortgage licensing system and registry for
19 deposit in the mortgage recovery fund [account]; and the amount
20 necessary to administer the fund [account].)~~)

21 **Sec. 5.** RCW 64.44.060 and 2006 c 339 s 206 are each amended to
22 read as follows:

23 (1) A contractor, supervisor, or worker may not perform
24 decontamination, demolition, or disposal work unless issued a
25 certificate by the state department of health. The department shall
26 establish performance standards for contractors, supervisors, and
27 workers by rule in accordance with chapter 34.05 RCW, the
28 administrative procedure act. The department shall train and test, or
29 may approve courses to train and test, contractors, supervisors, and
30 workers on the essential elements in assessing property used as an
31 illegal controlled substances manufacturing or storage site to
32 determine hazard reduction measures needed, techniques for adequately
33 reducing contaminants, use of personal protective equipment, methods
34 for proper decontamination, demolition, removal, and disposal of
35 contaminated property, and relevant federal and state regulations.
36 Upon successful completion of the training, and after a background
37 check, the contractor, supervisor, or worker shall be certified.

1 (2) The department may require the successful completion of annual
2 refresher courses provided or approved by the department for the
3 continued certification of the contractor or employee.

4 (3) The department shall provide for reciprocal certification of
5 any individual trained to engage in decontamination, demolition, or
6 disposal work in another state when the prior training is shown to be
7 substantially similar to the training required by the department. The
8 department may require such individuals to take an examination or
9 refresher course before certification.

10 (4) The department may deny, suspend, revoke, or place restrictions
11 on a certificate for failure to comply with the requirements of this
12 chapter or any rule adopted pursuant to this chapter. A certificate
13 may be denied, suspended, revoked, or have restrictions placed on it on
14 any of the following grounds:

15 (a) Failing to perform decontamination, demolition, or disposal
16 work under the supervision of trained personnel;

17 (b) Failing to perform decontamination, demolition, or disposal
18 work using department of health certified decontamination personnel;

19 (c) Failing to file a work plan;

20 (d) Failing to perform work pursuant to the work plan;

21 (e) Failing to perform work that meets the requirements of the
22 department and the requirements of the local health officers;

23 (f) Failing to properly dispose of contaminated property;

24 (g) Committing fraud or misrepresentation in: (i) Applying for or
25 obtaining a certification, recertification, or reinstatement; (ii)
26 seeking approval of a work plan; and (iii) documenting completion of
27 work to the department or local health officer;

28 (h) Failing the evaluation and inspection of decontamination
29 projects pursuant to RCW 64.44.075; or

30 (i) If the person has been certified pursuant to RCW 74.20A.320 by
31 the department of social and health services as a person who is not in
32 compliance with a support order or a residential or visitation order.
33 If the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the department's receipt of a
36 release issued by the department of social and health services stating
37 that the person is in compliance with the order.

1 (5) A contractor, supervisor, or worker who violates any provision
2 of this chapter may be assessed a fine not to exceed five hundred
3 dollars for each violation.

4 (6) The department of health shall prescribe fees as provided for
5 in RCW 43.70.250 for: The issuance and renewal of certificates,
6 conducting background checks of applicants, the administration of
7 examinations, and the review of training courses.

8 ~~((7) The decontamination account is hereby established in the
9 state treasury. All fees collected under this chapter shall be
10 deposited in this account. Moneys in the account may only be spent
11 after appropriation for costs incurred by the department in the
12 administration and enforcement of this chapter.))~~

13 **Sec. 6.** RCW 70.116.134 and 1991 c 18 s 1 are each amended to read
14 as follows:

15 (1) The secretary shall adopt rules pursuant to chapter 34.05 RCW
16 establishing criteria for designating individuals or water purveyors as
17 qualified satellite system management agencies. The criteria shall set
18 forth minimum standards for designation as a satellite system
19 management agency qualified to assume ownership, operation, or both, of
20 an existing or proposed public water system. The criteria shall
21 include demonstration of financial integrity and operational
22 capability, and may require demonstration of previous experience in
23 successful operation and management of a public water system.

24 (2) Each county shall identify potential satellite system
25 management agencies to the secretary for areas where: (a) No purveyor
26 has been designated a future service area pursuant to this chapter, or
27 (b) an existing purveyor is unable or unwilling to provide service.
28 Preference shall be given to public utilities or utility districts or
29 to investor-owned utilities under the jurisdiction of the utilities and
30 transportation commission.

31 (3) The secretary shall approve satellite system management
32 agencies meeting the established criteria and shall maintain and make
33 available to counties a list of approved agencies. Prior to the
34 construction of a new public water system, the individual(s) proposing
35 the new system or requesting service shall first be directed by the
36 local agency responsible for issuing the construction or building
37 permit to one or more qualified satellite system management agencies

1 designated for the service area where the new system is proposed for
2 the purpose of exploring the possibility of a satellite agency either
3 owning or operating the proposed new water system.

4 (4) Approved satellite system management agencies shall be reviewed
5 periodically by the secretary for continued compliance with established
6 criteria. The secretary may require status reports and other
7 information necessary for such review. Satellite system management
8 agencies shall be subject to reapproval at the discretion of the
9 secretary but not less than once every five years.

10 (5) The secretary may assess reasonable fees to process
11 applications for initial approval and for periodic review of satellite
12 system management agencies. ~~((A satellite system management account is
13 hereby created in the custody of the state treasurer. All receipts
14 from satellite system management agencies or applicants under
15 subsection (4) of this section shall be deposited into the account.
16 Funds in this account may be used only for administration of the
17 satellite system management program. Expenditures from the account
18 shall be authorized by the secretary or the secretary's designee. The
19 account is subject to allotment procedures under chapter 43.88 RCW, but
20 no appropriation is required for expenditures.))~~

21 (6) For purposes of this section, "satellite system management
22 agency" and "satellite agency" shall mean a person or entity that is
23 certified by the secretary to own or operate more than one public water
24 system on a regional or countywide basis, without the necessity for a
25 physical connection between such systems.

26 **Sec. 7.** RCW 82.44.180 and 1999 c 402 s 5 and 1999 c 94 s 31 are
27 each reenacted and amended to read as follows:

28 ~~((1))~~ The transportation fund is created in the state treasury.
29 Revenues under RCW 82.44.110 and 82.50.510 shall be deposited into the
30 fund as provided in those sections.

31 Moneys in the fund may be spent only after appropriation.
32 Expenditures from the fund may be used only for transportation purposes
33 and activities and operations of the Washington state patrol not
34 directly related to the policing of public highways and that are not
35 authorized under Article II, section 40 of the state Constitution.

36 ~~((2) There is hereby created the public transportation systems
37 account within the transportation fund. Moneys deposited into the~~

1 ~~account under RCW 82.44.150(2) (b) and (c) shall be appropriated to the~~
2 ~~transportation improvement board and allocated by the transportation~~
3 ~~improvement board to public transportation projects submitted by the~~
4 ~~public transportation systems as defined by chapters 36.56, 36.57, and~~
5 ~~36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state~~
6 ~~ferry system, solely for:~~

7 ~~(a) Planning;~~

8 ~~(b) Development of capital projects;~~

9 ~~(c) Development of high capacity transportation systems as defined~~
10 ~~in RCW 81.104.015;~~

11 ~~(d) Development of high occupancy vehicle lanes and related~~
12 ~~facilities as defined in RCW 81.100.020;~~

13 ~~(e) Other public transportation system related roadway projects on~~
14 ~~state highways, county roads, or city streets;~~

15 ~~(f) Public transportation system contributions required to fund~~
16 ~~projects under federal programs and those approved by the~~
17 ~~transportation improvement board from other fund sources; and~~

18 ~~(g) Reimbursement to the general fund of tax credits authorized~~
19 ~~under RCW 82.04.4453 and 82.16.048, subject to appropriation.)~~

20 **Sec. 8.** RCW 43.99H.020 and 1990 1st ex.s. c 15 s 2 and 1990 c 33
21 s 582 are each reenacted and amended to read as follows:

22 Bonds issued under RCW 43.99H.010 are subject to the following
23 conditions and limitations:

24 General obligation bonds of the state of Washington in the sum of
25 one billion four hundred four million dollars, or so much thereof as
26 may be required, shall be issued for the purposes described and
27 authorized by the legislature in the capital and operating
28 appropriations acts for the 1989-91 fiscal biennium and subsequent
29 fiscal biennia, and to provide for the administrative cost of such
30 projects, including costs of bond issuance and retirement, salaries and
31 related costs of officials and employees of the state, costs of
32 insurance or credit enhancement agreements, and other expenses
33 incidental to the administration of capital projects, and to provide
34 for reimbursement of bond-funded accounts from the 1987-89 fiscal
35 biennium. Subject to such changes as may be required in the
36 appropriations acts, the proceeds from the sale of the bonds issued for

1 the purposes of this subsection shall be deposited in the state
2 building construction account created by RCW 43.83.020 and transferred
3 as follows:

4 (1) Thirty million dollars to the state and local improvements
5 revolving account--waste disposal facilities, created by RCW
6 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

7 ~~((5))~~ ~~Five million three hundred thousand dollars to the salmon
8 enhancement construction account created by RCW 75.48.030;~~

9 ~~(3))~~ One hundred twenty million dollars to the state and local
10 improvements revolving account--waste disposal facilities, 1980 created
11 by RCW 43.99F.030, to be used for the purposes described in RCW
12 43.99F.020;

13 ~~((4))~~ (3) Forty million dollars to the common school construction
14 fund as referenced in RCW 28A.515.320~~((-))~~;

15 ~~((5))~~ ~~Three million two hundred thousand dollars to the state
16 higher education construction account created by RCW 28B.10.851;~~

17 ~~(6))~~ (4) Eight hundred five million dollars to the state building
18 construction account created by RCW 43.83.020;

19 ~~((7))~~ (5) Nine hundred fifty thousand dollars to the higher
20 education reimbursable short-term bond account created by RCW
21 43.99G.020~~(6)~~;

22 ~~((8))~~ (6) Twenty-nine million seven hundred thirty thousand
23 dollars to the outdoor recreation account created by RCW ~~((43.99.060))~~
24 79A.25.060;

25 ~~((9))~~ (7) Sixty million dollars to the state and local
26 improvements revolving account--water supply facilities, created by RCW
27 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

28 ~~((10))~~ ~~Four million three hundred thousand dollars to the state
29 social and health services construction account created by RCW
30 43.83H.030;~~

31 ~~(11))~~ (8) Two hundred fifty thousand dollars to the fisheries
32 capital projects account created by RCW 43.83I.040;

33 ~~((12))~~ (9) Four million nine hundred thousand dollars to the
34 state facilities renewal account created by RCW 43.99G.020~~(5)~~;

35 ~~((13))~~ (10) Two million three hundred thousand dollars to the
36 essential rail assistance account created by RCW ~~((47.76.030))~~
37 47.76.250;

1 ~~((14))~~ (11) One million one hundred thousand dollars to the
2 essential rail bank account hereby created in the state treasury;

3 ~~((15))~~ (12) Seventy-three million dollars to the east capitol
4 campus construction account hereby created in the state treasury;

5 ~~((16) Eight million dollars to the higher education construction
6 account created in RCW 28B.14D.040;~~

7 ~~(17))~~ (13) Sixty-three million two hundred thousand dollars to the
8 labor and industries construction account hereby created in the state
9 treasury; and

10 ~~((18) Seventy five million dollars to the higher education
11 construction account created by RCW 28B.14D.040;~~

12 ~~(19))~~ (14) Twenty-six million five hundred fifty thousand dollars
13 to the habitat conservation account hereby created in the state
14 treasury(~~;~~ and

15 ~~(20) Eight million dollars to the public safety reimbursable bond
16 account hereby created in the state treasury)).~~

17 These proceeds shall be used exclusively for the purposes specified
18 in this subsection, and for the payment of expenses incurred in the
19 issuance and sale of the bonds issued for the purposes of this section,
20 and shall be administered by the office of financial management,
21 subject to legislative appropriation.

22 Bonds authorized for the purposes of subsection ~~((17))~~ (13) of
23 this section shall be issued only after the director of the department
24 of labor and industries has certified, based on reasonable estimates,
25 that sufficient revenues will be available from the accident fund
26 created in RCW 51.44.010 and the medical aid fund created in RCW
27 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life
28 of the bonds.

29 ~~((Bonds authorized for the purposes of subsection (18) of this
30 section shall be issued only after the board of regents of the
31 University of Washington has certified, based on reasonable estimates,
32 that sufficient revenues will be available from nonappropriated local
33 funds to meet the requirements of RCW 43.99H.060(4) during the life of
34 the bonds.))~~

35 **Sec. 9.** RCW 41.05.140 and 2012 c 187 s 10 are each amended to read
36 as follows:

37 (1) Except for property and casualty insurance, the authority may

1 self-fund, self-insure, or enter into other methods of providing
2 insurance coverage for insurance programs under its jurisdiction,
3 including the basic health plan as provided in chapter 70.47 RCW. The
4 authority shall contract for payment of claims or other administrative
5 services for programs under its jurisdiction. If a program does not
6 require the prepayment of reserves, the authority shall establish such
7 reserves within a reasonable period of time for the payment of claims
8 as are normally required for that type of insurance under an insured
9 program. The authority shall endeavor to reimburse basic health plan
10 health care providers under this section at rates similar to the
11 average reimbursement rates offered by the statewide benchmark plan
12 determined through the request for proposal process.

13 (2) Reserves established by the authority for employee and retiree
14 benefit programs shall be held in a separate account in the custody of
15 the state treasurer and shall be known as the public employees' and
16 retirees' insurance reserve fund. The state treasurer may invest the
17 moneys in the reserve fund pursuant to RCW 43.79A.040.

18 (3) Any savings realized as a result of a program created for
19 employees and retirees under this section shall not be used to increase
20 benefits unless such use is authorized by statute.

21 ~~(4) ((Reserves established by the authority to provide insurance~~
22 ~~coverage for the basic health plan under chapter 70.47 RCW shall be~~
23 ~~held in a separate trust account in the custody of the state treasurer~~
24 ~~and shall be known as the basic health plan self-insurance reserve~~
25 ~~account. The state treasurer may invest the moneys in the reserve fund~~
26 ~~pursuant to RCW 43.79A.040.~~

27 ~~(5))~~ Any program created under this section shall be subject to
28 the examination requirements of chapter 48.03 RCW as if the program
29 were a domestic insurer. In conducting an examination, the
30 commissioner shall determine the adequacy of the reserves established
31 for the program.

32 ~~((6))~~ (5) The authority shall keep full and adequate accounts and
33 records of the assets, obligations, transactions, and affairs of any
34 program created under this section.

35 ~~((7))~~ (6) The authority shall file a quarterly statement of the
36 financial condition, transactions, and affairs of any program created
37 under this section in a form and manner prescribed by the insurance
38 commissioner. The statement shall contain information as required by

1 the commissioner for the type of insurance being offered under the
2 program. A copy of the annual statement shall be filed with the
3 speaker of the house of representatives and the president of the
4 senate.

5 ((+8)) (7) The provisions of this section do not apply to the
6 administration of chapter 74.09 RCW.

7 **Sec. 10.** RCW 82.45.180 and 2010 1st sp.s. c 26 s 9 are each
8 amended to read as follows:

9 (1)(a) For taxes collected by the county under this chapter, the
10 county treasurer shall collect a five dollar fee on all transactions
11 required by this chapter where the transaction does not require the
12 payment of tax. A total of five dollars shall be collected in the form
13 of a tax and fee, where the calculated tax payment is less than five
14 dollars. Through June 30, 2006, the county treasurer shall place one
15 percent of the taxes collected by the county under this chapter and the
16 treasurer's fee in the county current expense fund to defray costs of
17 collection. After June 30, 2006, the county treasurer shall place one
18 and three-tenths percent of the taxes collected by the county under
19 this chapter and the treasurer's fee in the county current expense fund
20 to defray costs of collection. For taxes collected by the county under
21 this chapter before July 1, 2006, the county treasurer shall pay over
22 to the state treasurer and account to the department of revenue for the
23 proceeds at the same time the county treasurer remits funds to the
24 state under RCW 84.56.280. For taxes collected by the county under
25 this chapter after June 30, 2006, on a monthly basis the county
26 treasurer shall pay over to the state treasurer the month's
27 transmittal. The month's transmittal must be received by the state
28 treasurer by 12:00 p.m. on the last working day of each month. The
29 county treasurer shall account to the department for the month's
30 transmittal by the twentieth day of the month following the month in
31 which the month's transmittal was paid over to the state treasurer.
32 The state treasurer shall deposit the proceeds in the general fund.

33 (b) For purposes of this subsection, the definitions in this
34 subsection apply.

35 (i) "Close of business" means the time when the county treasurer
36 makes his or her daily deposit of proceeds.

1 (ii) "Month's transmittal" means all proceeds deposited by the
2 county through the close of business of the day that is two working
3 days before the last working day of the month. This definition of
4 "month's transmittal" shall not be construed as requiring any change in
5 a county's practices regarding the timing of its daily deposits of
6 proceeds.

7 (iii) "Proceeds" means moneys collected and receipted by the county
8 from the taxes imposed by this chapter, less the county's share of the
9 proceeds used to defray the county's costs of collection allowable in
10 (a) of this subsection.

11 (iv) "Working day" means a calendar day, except Saturdays, Sundays,
12 and all legal holidays as provided in RCW 1.16.050.

13 (2) For taxes collected by the department of revenue under this
14 chapter, the department shall remit the tax to the state treasurer who
15 shall deposit the proceeds of any state tax in the general fund. The
16 state treasurer shall deposit the proceeds of any local taxes imposed
17 under chapter 82.46 RCW in the local real estate excise tax account
18 hereby created in the state treasury. Moneys in the local real estate
19 excise tax account may be spent only for distribution to counties,
20 cities, and towns imposing a tax under chapter 82.46 RCW. Except as
21 provided in RCW 43.08.190, all earnings of investments of balances in
22 the local real estate excise tax account shall be credited to the local
23 real estate excise tax account and distributed to the counties, cities,
24 and towns monthly. Monthly the state treasurer shall make distribution
25 from the local real estate excise tax account to the counties, cities,
26 and towns the amount of tax collected on behalf of each taxing
27 authority. The state treasurer shall make the distribution under this
28 subsection without appropriation.

29 ~~(3)(a) ((The real estate excise tax electronic technology account~~
30 ~~is created in the custody of the state treasurer. An appropriation is~~
31 ~~not required for expenditures and the account is not subject to~~
32 ~~allotment procedures under chapter 43.88 RCW.~~

33 ~~(b))~~ Through June 30, 2010, the county treasurer shall collect an
34 additional five dollar fee on all transactions required by this
35 chapter, regardless of whether the transaction requires the payment of
36 tax. The county treasurer shall remit this fee to the state treasurer
37 at the same time the county treasurer remits funds to the state under
38 subsection (1) of this section. The state treasurer shall place money

1 from this fee in the (~~real estate excise tax electronic technology~~
2 ~~account~~) general fund. By the twentieth day of the subsequent month,
3 the state treasurer shall distribute to each county treasurer according
4 to the following formula: Three-quarters of the funds available shall
5 be equally distributed among the thirty-nine counties; and the balance
6 shall be ratably distributed among the counties in direct proportion to
7 their population as it relates to the total state's population based on
8 most recent statistics by the office of financial management.

9 ((+e)) (b) When received by the county treasurer, the funds shall
10 be placed in a special real estate excise tax electronic technology
11 fund held by the county treasurer to be used exclusively for the
12 development, implementation, and maintenance of an electronic
13 processing and reporting system for real estate excise tax affidavits.
14 Funds may be expended to make the system compatible with the automated
15 real estate excise tax system developed by the department and
16 compatible with the processes used in the offices of the county
17 assessor and county auditor. Any funds held in the account that are
18 not expended by the earlier of: July 1, 2015, or at such time that the
19 county treasurer is utilizing an electronic processing and reporting
20 system for real estate excise tax affidavits compatible with the
21 department and compatible with the processes used in the offices of the
22 county assessor and county auditor, revert to the special real estate
23 and property tax administration assistance account in accordance with
24 subsection (5)(c) of this section.

25 (4) Beginning July 1, 2010, through December 31, 2013, the county
26 treasurer shall continue to collect the additional five dollar fee in
27 subsection (3) of this section on all transactions required by this
28 chapter, regardless of whether the transaction requires the payment of
29 tax. During this period, the county treasurer shall remit this fee to
30 the state treasurer at the same time the county treasurer remits funds
31 to the state under subsection (1) of this section. The state treasurer
32 shall place money from this fee in the annual property revaluation
33 grant account created in RCW 84.41.170.

34 (5)(a) The real estate and property tax administration assistance
35 account is created in the custody of the state treasurer. An
36 appropriation is not required for expenditures and the account is not
37 subject to allotment procedures under chapter 43.88 RCW.

1 (b) Beginning January 1, 2014, the county treasurer must continue
2 to collect the additional five dollar fee in subsection (3) of this
3 section on all transactions required by this chapter, regardless of
4 whether the transaction requires the payment of tax. The county
5 treasurer shall deposit one-half of this fee in the special real estate
6 and property tax administration assistance account in accordance with
7 (c) of this subsection and remit the balance to the state treasurer at
8 the same time the county treasurer remits funds to the state under
9 subsection (1) of this section. The state treasurer must place money
10 from this fee in the real estate and property tax administration
11 assistance account. By the twentieth day of the subsequent month, the
12 state treasurer must distribute the funds to each county treasurer
13 according to the following formula: One-half of the funds available
14 must be equally distributed among the thirty-nine counties; and the
15 balance must be ratably distributed among the counties in direct
16 proportion to their population as it relates to the total state's
17 population based on most recent statistics by the office of financial
18 management.

19 (c) When received by the county treasurer, the funds must be placed
20 in a special real estate and property tax administration assistance
21 account held by the county treasurer to be used for:

22 (i) Maintenance and operation of an annual revaluation system for
23 property tax valuation; and

24 (ii) Maintenance and operation of an electronic processing and
25 reporting system for real estate excise tax affidavits.

26 **Sec. 11.** RCW 70.122.130 and 2006 c 108 s 2 are each amended to
27 read as follows:

28 (1) The department of health shall establish and maintain a
29 statewide health care declarations registry containing the health care
30 declarations identified in subsection (2) of this section as submitted
31 by residents of Washington. The department shall digitally reproduce
32 and store health care declarations in the registry. The department may
33 establish standards for individuals to submit digitally reproduced
34 health care declarations directly to the registry, but is not required
35 to review the health care declarations that it receives to ensure they
36 comply with the particular statutory requirements applicable to the

1 document. The department may contract with an organization that meets
2 the standards identified in this section.

3 (2)(a) An individual may submit any of the following health care
4 declarations to the department of health to be digitally reproduced and
5 stored in the registry:

6 (i) A directive, as defined by this chapter;

7 (ii) A durable power of attorney for health care, as authorized in
8 chapter 11.94 RCW;

9 (iii) A mental health advance directive, as defined by chapter
10 71.32 RCW; or

11 (iv) A form adopted pursuant to the department of health's
12 authority in RCW 43.70.480.

13 (b) Failure to submit a health care declaration to the department
14 of health does not affect the validity of the declaration.

15 (c) Failure to notify the department of health of a valid
16 revocation of a health care declaration does not affect the validity of
17 the revocation.

18 (d) The entry of a health care directive in the registry under this
19 section does not:

20 (i) Affect the validity of the document;

21 (ii) Take the place of any requirements in law necessary to make
22 the submitted document legal; or

23 (iii) Create a presumption regarding the validity of the document.

24 (3) The department of health shall prescribe a procedure for an
25 individual to revoke a health care declaration contained in the
26 registry.

27 (4) The registry must:

28 (a) Be maintained in a secure database that is accessible through
29 a web site maintained by the department of health;

30 (b) Send annual electronic messages to individuals that have
31 submitted health care declarations to request that they review the
32 registry materials to ensure that it is current;

33 (c) Provide individuals who have submitted one or more health care
34 declarations with access to their documents and the ability to revoke
35 their documents at all times; and

36 (d) Provide the personal representatives of individuals who have
37 submitted one or more health care declarations to the registry,
38 attending physicians, advanced registered nurse practitioners, health

1 care providers licensed by a disciplining authority identified in RCW
2 18.130.040 who is acting under the direction of a physician or an
3 advanced registered nurse practitioner, and health care facilities, as
4 defined in this chapter or in chapter 71.32 RCW, access to the registry
5 at all times.

6 (5) In designing the registry and web site, the department of
7 health shall ensure compliance with state and federal requirements
8 related to patient confidentiality.

9 (6) The department shall provide information to health care
10 providers and health care facilities on the registry web site regarding
11 the different federal and Washington state requirements to ascertain
12 and document whether a patient has an advance directive.

13 (7) The department of health may accept donations, grants, gifts,
14 or other forms of voluntary contributions to support activities related
15 to the creation and maintenance of the health care declarations
16 registry and statewide public education campaigns related to the
17 existence of the registry. (~~All funds received shall be transferred~~
18 ~~to the health care declarations registry account, created in RCW~~
19 ~~70.122.140.)) All receipts from donations made under this section, and
20 other contributions and appropriations specifically made for the
21 purposes of creating and maintaining the registry established under
22 this section and statewide public education campaigns related to the
23 existence of the registry, shall be deposited into the general fund.
24 Moneys in the general fund may be spent only after appropriation.~~

25 (8) The department of health may adopt rules as necessary to
26 implement chapter 108, Laws of 2006.

27 (9) By December 1, 2008, the department shall report to the house
28 and senate committees on health care the following information:

29 (a) Number of participants in the registry;

30 (b) Number of health care declarations submitted by type of
31 declaration as defined in this section;

32 (c) Number of health care declarations revoked and the method of
33 revocation;

34 (d) Number of providers and facilities, by type, that have been
35 provided access to the registry;

36 (e) Actual costs of operation of the registry;

37 (f) Donations received by the department for deposit into the

1 health care declarations registry account, created in RCW 70.122.140 by
2 type of donor.

3 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 13.40.466 (Reinvesting in youth account) and 2006 c 304 s
6 4;

7 (2) RCW 27.34.410 (Heritage barn preservation fund) and 2007 c 333
8 s 4;

9 (3) RCW 28B.10.851 (Capital improvements, bonds for--Account
10 created, purpose) and 1991 sp.s. c 13 s 45, 1985 c 57 s 11, & 1973 1st
11 ex.s. c 135 s 2;

12 (4) RCW 28B.14D.040 (Disposition of proceeds from sale of bonds and
13 notes--Higher education construction account) and 1991 sp.s. c 13 s 8,
14 1985 c 57 s 13, & 1979 ex.s. c 253 s 4;

15 (5) RCW 28B.121.070 (Food animal veterinarian conditional
16 scholarship account) and 2008 c 208 s 8;

17 (6) RCW 36.120.200 (Regional transportation investment district
18 account) and 2002 c 56 s 401;

19 (7) RCW 41.45.230 (Pension funding stabilization account--Creation)
20 and 2012 c 187 s 11, 2009 c 564 s 1808, 2008 c 329 s 910, & 2006 c 56
21 s 1;

22 (8) RCW 43.31.805 (State trade fair fund) and 1998 c 345 s 3;

23 (9) RCW 43.60A.153 (Veterans conservation corps account) and 2007
24 c 451 s 6;

25 (10) RCW 43.60A.215 (Disabled veterans assistance account) and 2010
26 c 90 s 2;

27 (11) RCW 43.63A.315 (Independent youth housing account) and 2007 c
28 316 s 7;

29 (12) RCW 43.63A.766 (Building communities fund account) and 2008 c
30 327 s 14;

31 (13) RCW 43.70.325 (Rural health access account) and 1992 c 120 s
32 1;

33 (14) RCW 43.83H.030 (Proceeds of bonds) and 1991 sp.s. c 13 s 56,
34 1985 c 57 s 49, & 1975-'76 2nd ex.s. c 125 s 3;

35 (15) RCW 43.338.030 (Manufacturing innovation and modernization
36 account) and 2008 c 315 s 5;

1 (16) RCW 46.68.330 (Freight congestion relief account) and 2007 c
2 514 s 2;

3 (17) RCW 49.78.350 (Family and medical leave enforcement account)
4 and 2006 c 59 s 16;

5 (18) RCW 70.47A.080 (Health insurance partnership account) and 2007
6 c 260 s 14 & 2006 c 255 s 8;

7 (19) RCW 70.122.140 (Health care declarations registry account) and
8 2006 c 108 s 3;

9 (20) RCW 72.72.030 (Institutional impact account--Reimbursement to
10 political subdivisions--Limitations) and 1991 sp.s. c 13 s 10, 1985 c
11 57 s 71, 1983 c 279 s 2, & 1979 ex.s. c 108 s 3;

12 (21) RCW 77.70.450 (Commercial fisheries buyback account) and 2003
13 c 174 s 1; and

14 (22) RCW 81.100.070 (High occupancy vehicle account) and 1991 sp.s.
15 c 13 ss 105, 119 & 1990 c 43 s 18.

16 NEW SECTION. **Sec. 13.** Section 1 of this act expires if the
17 requirements set out in section 7, chapter 36, Laws of 2012 are met.

18 NEW SECTION. **Sec. 14.** Section 2 of this act takes effect if the
19 requirements set out in section 7, chapter 36, Laws of 2012 are met.

20 NEW SECTION. **Sec. 15.** Any residual balance of funds remaining in
21 any account eliminated in this act on June 30, 2013, must be
22 transferred by the state treasurer to the state general fund.

23 NEW SECTION. **Sec. 16.** Except for section 2 of this act, this act
24 is necessary for the immediate preservation of the public peace,
25 health, or safety, or support of the state government and its existing
26 public institutions, and takes effect June 30, 2013.

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