

**2SSB 5128 - S AMD 344**  
By Senator Wellman

**ADOPTED AS AMENDED 03/04/2021**

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the  
4 COVID-19 pandemic has significantly changed the delivery of education  
5 across the state, as school districts transition to remote learning  
6 environments to protect the health of students and staff. The  
7 legislature also recognizes that the role of transportation services  
8 has evolved alongside remote learning programs to help students  
9 equitably access the instructional program of basic education. As  
10 permitted by emergency proclamation, many school districts have  
11 adapted to remote learning by transporting meals, learning materials,  
12 and technology supports directly to students' homes or neighborhoods.  
13 Other school districts have used transportation resources to bring  
14 students to learning centers or other agencies where support services  
15 are provided.

16 This flexibility has allowed school districts to creatively use  
17 the resources at their disposal to equitably address the needs of  
18 students during an ongoing emergency.

19 With this act, the legislature intends to temporarily suspend  
20 rider eligibility criteria for an expanded list of qualifying  
21 transportation services, so that all students can access necessary  
22 supports during the COVID-19 emergency. The legislature also intends  
23 to provide a mechanism for calculating student transportation funding  
24 immediately following the COVID-19 emergency, so that the temporary  
25 drop in student ridership does not impact future transportation  
26 allocations. Finally, the legislature intends to appropriate  
27 additional relief funds to backfill reductions in state funding  
28 allocations resulting from transportation declines caused by the  
29 COVID-19 emergency.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160  
31 RCW to read as follows:

1 (1) If a school or school district is providing full remote or  
2 partial remote instruction under the authority of RCW 28A.150.290 due  
3 to a local, state, or national emergency that causes a substantial  
4 disruption to full in-person instruction then, in addition to the  
5 transportation services allowed under this chapter, the district may  
6 use student transportation allocations to provide the following  
7 expanded services to students, regardless of whether those students  
8 would qualify as eligible students under RCW 28A.160.160:

9 (a) Delivery of educational services necessary to provide  
10 students with the opportunity to equitably access educational  
11 services during the period of remote instruction. Delivery of  
12 educational services include the transportation of materials,  
13 hardware, and other supports that assist students in accessing remote  
14 instruction, internet connectivity, or the curriculum;

15 (b) Delivery of meals to students; and

16 (c) Providing for the transportation of students to and from  
17 learning centers or other public or private agencies where  
18 educational and support services are being provided to students  
19 during the period of remote instruction. "Providing for" includes the  
20 provision of payments to allow students to use public transit to  
21 access the educational and support services.

22 (2) Nothing in this section is intended to limit a district's  
23 ability to use transportation allocations to pay for fixed  
24 transportation costs, such as school bus maintenance and basic  
25 administrative, regulatory, safety, or operational expenses.

26 (3) If a district provides expanded services under subsection (1)  
27 of this section, the district must track by a separate accounting  
28 code the expenditures incurred by the district in providing such  
29 services. This data must be included in the report required under RCW  
30 28A.160.170(2).

31 **Sec. 3.** RCW 28A.160.170 and 2009 c 548 s 306 are each amended to  
32 read as follows:

33 Each district shall submit three times each year to the  
34 superintendent of public instruction during October, February, and  
35 May of each year a report containing the following:

36 (1)(a) The number of eligible students transported to and from  
37 school as provided for in RCW 28A.160.150, along with identification  
38 of stop locations and school locations, and (b) the number of miles

1 driven for pupil transportation services as authorized in RCW  
2 28A.160.150 the previous school year; and

3 (2) Other operational data and descriptions as required by the  
4 superintendent to determine allocation requirements for each  
5 district. The superintendent shall require that districts separate  
6 the costs of operating the program for the transportation of eligible  
7 students to and from school as defined by RCW 28A.160.160(3)  
8 (~~from~~), non-to-and-from-school pupil transportation costs, and  
9 costs to provide expanded services under section 2(1) of this act in  
10 the annual financial statement. The cost, quantity, and type of all  
11 fuel purchased by school districts for use in to-and-from-school  
12 transportation shall be included in the annual financial statement.

13 Each district shall submit the information required in this  
14 section on a timely basis as a condition of the continuing receipt of  
15 school transportation moneys.

16 **Sec. 4.** RCW 28A.160.192 and 2011 1st sp.s. c 27 s 3 are each  
17 amended to read as follows:

18 (1) The superintendent of public instruction shall phase-in the  
19 implementation of the distribution formula under this chapter for  
20 allocating state funds to school districts for the transportation of  
21 students to and from school. The phase-in shall begin no later than  
22 the 2011-2013 biennium and be fully implemented by the 2013-2015  
23 biennium.

24 (a) The formula must be developed and revised on an ongoing basis  
25 using the major cost factors in student transportation, including  
26 basic and special student loads, school district land area, average  
27 distance to school, roadway miles, and number of locations served.  
28 Factors must include all those site characteristics that are  
29 statistically significant after analysis of the data required by the  
30 revised reporting process.

31 (b) The formula must allocate funds to school districts based on  
32 the average predicted costs of transporting students to and from  
33 school, using a regression analysis. Only factors that are  
34 statistically significant shall be used in the regression analysis.  
35 Employee compensation costs included in the allowable transportation  
36 expenditures used for the purpose of establishing each school  
37 district's independent variable in the regression analysis shall be  
38 limited to the base salary or hourly wage rates, fringe benefit

1 rates, and applicable health care rates provided in the omnibus  
2 appropriations act.

3 (2) During the phase-in period, funding provided to school  
4 districts for student transportation operations shall be distributed  
5 on the following basis:

6 (a) Annually, each school district shall receive the lesser of  
7 the previous school year's pupil transportation operations  
8 allocation, or the total of allowable pupil transportation  
9 expenditures identified on the previous school year's final  
10 expenditure report to the state plus district indirect expenses using  
11 the federal restricted indirect rate as calculated in the district  
12 annual financial report;

13 (b) Annually, the amount identified in (a) of this subsection  
14 shall be adjusted for any budgeted increases provided in the omnibus  
15 appropriations act for salaries or fringe benefits;

16 (c) Annually, any funds appropriated by the legislature in excess  
17 of the maintenance level funding amount for student transportation  
18 shall be distributed among school districts on a prorated basis using  
19 the difference between the amount identified in (a) adjusted by (b)  
20 of this subsection and the amount determined under the formula in RCW  
21 28A.160.180; and

22 (d) Allocations provided to recognize the cost of depreciation to  
23 districts contracting with private carriers for student  
24 transportation shall be deducted from the allowable transportation  
25 expenditures in (a) of this subsection.

26 (3) If a school or school district provided full remote or  
27 partial remote instruction under the authority of RCW 28A.150.290 due  
28 to a local, state, or national emergency that caused a substantial  
29 disruption to full in-person instruction, the superintendent of  
30 public instruction may use the student transportation data from the  
31 last reporting period in which the school district provided full in-  
32 person instruction to calculate transportation allocations. Such data  
33 may only be used until the subsequent reporting period when updated  
34 ridership data is available.

35 NEW SECTION. Sec. 5. A new section is added to chapter 28A.710  
36 RCW to read as follows:

37 Sections 2 and 4(3) of this act govern school operation and  
38 management under RCW 28A.710.040 and apply to charter schools  
39 established under this chapter.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 28A.715  
2    RCW to read as follows:

3        Sections 2 and 4(3) of this act govern school operation and  
4    management under RCW 28A.715.020 and apply to state-tribal compact  
5    schools established under this chapter.

6        NEW SECTION.        **Sec. 7.**        The public schools emergency  
7    transportation relief account is created in the state treasury. Money  
8    in the account may be spent only after appropriation. Expenditures  
9    from the account may only be used to backfill reductions in state  
10   funding allocations resulting from transportation declines caused by  
11   a declared statewide emergency, provided that such reductions have  
12   not been backfilled through receipt of federal emergency relief  
13   funds, and must be attributable to documented allowable uses for  
14   transportation-related services as established under section 2 of  
15   this act.

16        NEW SECTION.        **Sec. 8.**        The sum of \$100,000,000 is appropriated  
17   for fiscal year 2021, from the general fund account—state to the  
18   public schools emergency transportation relief account created in  
19   section 7 of this act for the purposes of backfilling reductions in  
20   state funding allocations resulting from transportation declines  
21   caused by a declared statewide emergency, provided that such  
22   reductions have not been backfilled through receipt of federal  
23   emergency relief funds, and must be attributable to documented  
24   allowable uses for transportation-related services as established  
25   under section 2 of this act.

26        **Sec. 9.**    RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020  
27   c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read  
28   as follows:

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

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

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

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

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

24 (a) The following accounts and funds shall receive their  
25 proportionate share of earnings based upon each account's and fund's  
26 average daily balance for the period: The abandoned recreational  
27 vehicle disposal account, the aeronautics account, the Alaskan Way  
28 viaduct replacement project account, the ambulance transport fund,  
29 the brownfield redevelopment trust fund account, the budget  
30 stabilization account, the capital vessel replacement account, the  
31 capitol building construction account, the Central Washington  
32 University capital projects account, the charitable, educational,  
33 penal and reformatory institutions account, the Chehalis basin  
34 account, the Chehalis basin taxable account, the cleanup settlement  
35 account, the Columbia river basin water supply development account,  
36 the Columbia river basin taxable bond water supply development  
37 account, the Columbia river basin water supply revenue recovery  
38 account, the common school construction fund, the community forest  
39 trust account, the connecting Washington account, the county arterial  
40 preservation account, the county criminal justice assistance account,

1 the deferred compensation administrative account, the deferred  
2 compensation principal account, the department of licensing services  
3 account, the department of retirement systems expense account, the  
4 developmental disabilities community (~~trust~~) services account, the  
5 diesel idle reduction account, the drinking water assistance account,  
6 the administrative subaccount of the drinking water assistance  
7 account, the early learning facilities development account, the early  
8 learning facilities revolving account, the Eastern Washington  
9 University capital projects account, the education construction fund,  
10 the education legacy trust account, the election account, the  
11 electric vehicle account, the energy freedom account, the energy  
12 recovery act account, the essential rail assistance account, The  
13 Evergreen State College capital projects account, the ferry bond  
14 retirement fund, the freight mobility investment account, the freight  
15 mobility multimodal account, the grade crossing protective fund, the  
16 public health services account, the state higher education  
17 construction account, the higher education construction account, the  
18 higher education retirement plan supplemental benefit fund, the  
19 highway bond retirement fund, the highway infrastructure account, the  
20 highway safety fund, the hospital safety net assessment fund, the  
21 Interstate 405 and state route number 167 express toll lanes account,  
22 the judges' retirement account, the judicial retirement  
23 administrative account, the judicial retirement principal account,  
24 the local leasehold excise tax account, the local real estate excise  
25 tax account, the local sales and use tax account, the marine  
26 resources stewardship trust account, the medical aid account, the  
27 money-purchase retirement savings administrative account, the money-  
28 purchase retirement savings principal account, the motor vehicle  
29 fund, the motorcycle safety education account, the multimodal  
30 transportation account, the multiuse roadway safety account, the  
31 municipal criminal justice assistance account, the oyster reserve  
32 land account, the pension funding stabilization account, the  
33 perpetual surveillance and maintenance account, the pilotage account,  
34 the pollution liability insurance agency underground storage tank  
35 revolving account, the public employees' retirement system plan 1  
36 account, the public employees' retirement system combined plan 2 and  
37 plan 3 account, the public facilities construction loan revolving  
38 account, the public health supplemental account, the public schools  
39 emergency transportation relief account, the public works assistance  
40 account, the Puget Sound capital construction account, the Puget

1 Sound ferry operations account, the Puget Sound Gateway facility  
2 account, the Puget Sound taxpayer accountability account, the real  
3 estate appraiser commission account, the recreational vehicle  
4 account, the regional mobility grant program account, the resource  
5 management cost account, the rural arterial trust account, the rural  
6 mobility grant program account, the rural Washington loan fund, the  
7 sexual assault prevention and response account, the site closure  
8 account, the skilled nursing facility safety net trust fund, the  
9 small city pavement and sidewalk account, the special category C  
10 account, the special wildlife account, the state investment board  
11 expense account, the state investment board commingled trust fund  
12 accounts, the state patrol highway account, the state reclamation  
13 revolving account, the state route number 520 civil penalties  
14 account, the state route number 520 corridor account, the state  
15 wildlife account, the statewide broadband account, the statewide  
16 tourism marketing account, the supplemental pension account, the  
17 Tacoma Narrows toll bridge account, the teachers' retirement system  
18 plan 1 account, the teachers' retirement system combined plan 2 and  
19 plan 3 account, the tobacco prevention and control account, the  
20 tobacco settlement account, the toll facility bond retirement  
21 account, the transportation 2003 account (nickel account), the  
22 transportation equipment fund, the transportation future funding  
23 program account, the transportation improvement account, the  
24 transportation improvement board bond retirement account, the  
25 transportation infrastructure account, the transportation partnership  
26 account, the traumatic brain injury account, the University of  
27 Washington bond retirement fund, the University of Washington  
28 building account, the voluntary cleanup account, the volunteer  
29 firefighters' and reserve officers' relief and pension principal  
30 fund, the volunteer firefighters' and reserve officers'  
31 administrative fund, the vulnerable roadway user education account,  
32 the Washington judicial retirement system account, the Washington law  
33 enforcement officers' and firefighters' system plan 1 retirement  
34 account, the Washington law enforcement officers' and firefighters'  
35 system plan 2 retirement account, the Washington public safety  
36 employees' plan 2 retirement account, the Washington school  
37 employees' retirement system combined plan 2 and 3 account, the  
38 Washington state patrol retirement account, the Washington State  
39 University building account, the Washington State University bond  
40 retirement fund, the water pollution control revolving administration



1 account, the water pollution control revolving fund, the Western  
2 Washington University capital projects account, the Yakima integrated  
3 plan implementation account, the Yakima integrated plan  
4 implementation revenue recovery account, and the Yakima integrated  
5 plan implementation taxable bond account. Earnings derived from  
6 investing balances of the agricultural permanent fund, the normal  
7 school permanent fund, the permanent common school fund, the  
8 scientific permanent fund, and the state university permanent fund  
9 shall be allocated to their respective beneficiary accounts.

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

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

19 **Sec. 10.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020  
20 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and  
21 amended to read as follows:

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

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

1 distributions of earnings set forth in subsection (4) of this  
2 section.

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

12 (4) Monthly, the state treasurer shall distribute the earnings  
13 credited to the treasury income account. The state treasurer shall  
14 credit the general fund with all the earnings credited to the  
15 treasury income account except:

16 (a) The following accounts and funds shall receive their  
17 proportionate share of earnings based upon each account's and fund's  
18 average daily balance for the period: The abandoned recreational  
19 vehicle disposal account, the aeronautics account, the Alaskan Way  
20 viaduct replacement project account, the ambulance transport fund,  
21 the brownfield redevelopment trust fund account, the budget  
22 stabilization account, the capital vessel replacement account, the  
23 capitol building construction account, the Central Washington  
24 University capital projects account, the charitable, educational,  
25 penal and reformatory institutions account, the Chehalis basin  
26 account, the Chehalis basin taxable account, the cleanup settlement  
27 account, the Columbia river basin water supply development account,  
28 the Columbia river basin taxable bond water supply development  
29 account, the Columbia river basin water supply revenue recovery  
30 account, the common school construction fund, the community forest  
31 trust account, the connecting Washington account, the county arterial  
32 preservation account, the county criminal justice assistance account,  
33 the deferred compensation administrative account, the deferred  
34 compensation principal account, the department of licensing services  
35 account, the department of retirement systems expense account, the  
36 developmental disabilities community (~~trust~~) services account, the  
37 diesel idle reduction account, the drinking water assistance account,  
38 the administrative subaccount of the drinking water assistance  
39 account, the early learning facilities development account, the early  
40 learning facilities revolving account, the Eastern Washington

1 University capital projects account, the education construction fund,  
2 the education legacy trust account, the election account, the  
3 electric vehicle account, the energy freedom account, the energy  
4 recovery act account, the essential rail assistance account, The  
5 Evergreen State College capital projects account, the ferry bond  
6 retirement fund, the fish, wildlife, and conservation account, the  
7 freight mobility investment account, the freight mobility multimodal  
8 account, the grade crossing protective fund, the public health  
9 services account, the state higher education construction account,  
10 the higher education construction account, the higher education  
11 retirement plan supplemental benefit fund, the highway bond  
12 retirement fund, the highway infrastructure account, the highway  
13 safety fund, the hospital safety net assessment fund, the Interstate  
14 405 and state route number 167 express toll lanes account, the  
15 judges' retirement account, the judicial retirement administrative  
16 account, the judicial retirement principal account, the limited fish  
17 and wildlife account, the local leasehold excise tax account, the  
18 local real estate excise tax account, the local sales and use tax  
19 account, the marine resources stewardship trust account, the medical  
20 aid account, the money-purchase retirement savings administrative  
21 account, the money-purchase retirement savings principal account, the  
22 motor vehicle fund, the motorcycle safety education account, the  
23 multimodal transportation account, the multiuse roadway safety  
24 account, the municipal criminal justice assistance account, the  
25 oyster reserve land account, the pension funding stabilization  
26 account, the perpetual surveillance and maintenance account, the  
27 pilotage account, the pollution liability insurance agency  
28 underground storage tank revolving account, the public employees'  
29 retirement system plan 1 account, the public employees' retirement  
30 system combined plan 2 and plan 3 account, the public facilities  
31 construction loan revolving account, the public health supplemental  
32 account, the public schools emergency transportation relief account,  
33 the public works assistance account, the Puget Sound capital  
34 construction account, the Puget Sound ferry operations account, the  
35 Puget Sound Gateway facility account, the Puget Sound taxpayer  
36 accountability account, the real estate appraiser commission account,  
37 the recreational vehicle account, the regional mobility grant program  
38 account, the resource management cost account, the rural arterial  
39 trust account, the rural mobility grant program account, the rural  
40 Washington loan fund, the sexual assault prevention and response

1 account, the site closure account, the skilled nursing facility  
2 safety net trust fund, the small city pavement and sidewalk account,  
3 the special category C account, the special wildlife account, the  
4 state investment board expense account, the state investment board  
5 commingled trust fund accounts, the state patrol highway account, the  
6 state reclamation revolving account, the state route number 520 civil  
7 penalties account, the state route number 520 corridor account, the  
8 statewide broadband account, the statewide tourism marketing account,  
9 the supplemental pension account, the Tacoma Narrows toll bridge  
10 account, the teachers' retirement system plan 1 account, the  
11 teachers' retirement system combined plan 2 and plan 3 account, the  
12 tobacco prevention and control account, the tobacco settlement  
13 account, the toll facility bond retirement account, the  
14 transportation 2003 account (nickel account), the transportation  
15 equipment fund, the transportation future funding program account,  
16 the transportation improvement account, the transportation  
17 improvement board bond retirement account, the transportation  
18 infrastructure account, the transportation partnership account, the  
19 traumatic brain injury account, the University of Washington bond  
20 retirement fund, the University of Washington building account, the  
21 voluntary cleanup account, the volunteer firefighters' and reserve  
22 officers' relief and pension principal fund, the volunteer  
23 firefighters' and reserve officers' administrative fund, the  
24 vulnerable roadway user education account, the Washington judicial  
25 retirement system account, the Washington law enforcement officers'  
26 and firefighters' system plan 1 retirement account, the Washington  
27 law enforcement officers' and firefighters' system plan 2 retirement  
28 account, the Washington public safety employees' plan 2 retirement  
29 account, the Washington school employees' retirement system combined  
30 plan 2 and 3 account, the Washington state patrol retirement account,  
31 the Washington State University building account, the Washington  
32 State University bond retirement fund, the water pollution control  
33 revolving administration account, the water pollution control  
34 revolving fund, the Western Washington University capital projects  
35 account, the Yakima integrated plan implementation account, the  
36 Yakima integrated plan implementation revenue recovery account, and  
37 the Yakima integrated plan implementation taxable bond account.  
38 Earnings derived from investing balances of the agricultural  
39 permanent fund, the normal school permanent fund, the permanent  
40 common school fund, the scientific permanent fund, and the state

1 university permanent fund shall be allocated to their respective  
2 beneficiary accounts.

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

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

12 **Sec. 11.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020  
13 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read  
14 as follows:

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

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

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

1 required for payments to financial institutions. Payments shall occur  
2 prior to distribution of earnings set forth in subsection (4) of this  
3 section.

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

8 (a) The following accounts and funds shall receive their  
9 proportionate share of earnings based upon each account's and fund's  
10 average daily balance for the period: The abandoned recreational  
11 vehicle disposal account, the aeronautics account, the Alaskan Way  
12 viaduct replacement project account, the brownfield redevelopment  
13 trust fund account, the budget stabilization account, the capital  
14 vessel replacement account, the capitol building construction  
15 account, the Central Washington University capital projects account,  
16 the charitable, educational, penal and reformatory institutions  
17 account, the Chehalis basin account, the Chehalis basin taxable  
18 account, the cleanup settlement account, the Columbia river basin  
19 water supply development account, the Columbia river basin taxable  
20 bond water supply development account, the Columbia river basin water  
21 supply revenue recovery account, the common school construction fund,  
22 the community forest trust account, the connecting Washington  
23 account, the county arterial preservation account, the county  
24 criminal justice assistance account, the deferred compensation  
25 administrative account, the deferred compensation principal account,  
26 the department of licensing services account, the department of  
27 retirement systems expense account, the developmental disabilities  
28 community (~~trust~~) services account, the diesel idle reduction  
29 account, the drinking water assistance account, the administrative  
30 subaccount of the drinking water assistance account, the early  
31 learning facilities development account, the early learning  
32 facilities revolving account, the Eastern Washington University  
33 capital projects account, the education construction fund, the  
34 education legacy trust account, the election account, the electric  
35 vehicle account, the energy freedom account, the energy recovery act  
36 account, the essential rail assistance account, The Evergreen State  
37 College capital projects account, the ferry bond retirement fund, the  
38 fish, wildlife, and conservation account, the freight mobility  
39 investment account, the freight mobility multimodal account, the  
40 grade crossing protective fund, the public health services account,

1 the state higher education construction account, the higher education  
2 construction account, the higher education retirement plan  
3 supplemental benefit fund, the highway bond retirement fund, the  
4 highway infrastructure account, the highway safety fund, the hospital  
5 safety net assessment fund, the Interstate 405 and state route number  
6 167 express toll lanes account, the judges' retirement account, the  
7 judicial retirement administrative account, the judicial retirement  
8 principal account, the limited fish and wildlife account, the local  
9 leasehold excise tax account, the local real estate excise tax  
10 account, the local sales and use tax account, the marine resources  
11 stewardship trust account, the medical aid account, the money-  
12 purchase retirement savings administrative account, the money-  
13 purchase retirement savings principal account, the motor vehicle  
14 fund, the motorcycle safety education account, the multimodal  
15 transportation account, the multiuse roadway safety account, the  
16 municipal criminal justice assistance account, the oyster reserve  
17 land account, the pension funding stabilization account, the  
18 perpetual surveillance and maintenance account, the pilotage account,  
19 the pollution liability insurance agency underground storage tank  
20 revolving 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, the public health supplemental account, the public schools  
24 emergency transportation relief account, the public works assistance  
25 account, the Puget Sound capital construction account, the Puget  
26 Sound ferry operations account, the Puget Sound Gateway facility  
27 account, the Puget Sound taxpayer accountability account, the real  
28 estate appraiser commission account, the recreational vehicle  
29 account, the regional mobility grant program account, the resource  
30 management cost account, the rural arterial trust account, the rural  
31 mobility grant program account, the rural Washington loan fund, the  
32 sexual assault prevention and response account, the site closure  
33 account, the skilled nursing facility safety net trust fund, the  
34 small city pavement and sidewalk account, the special category C  
35 account, the special wildlife account, the state investment board  
36 expense account, the state investment board commingled trust fund  
37 accounts, the state patrol highway account, the state reclamation  
38 revolving account, the state route number 520 civil penalties  
39 account, the state route number 520 corridor account, the statewide  
40 broadband account, the statewide tourism marketing account, the

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

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



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

4 NEW SECTION. **Sec. 12.** Section 9 of this act expires July 1,  
5 2021.

6 NEW SECTION. **Sec. 13.** Section 10 of this act is necessary for  
7 the immediate preservation of the public peace, health, or safety, or  
8 support of the state government and its existing public institutions,  
9 and takes effect July 1, 2021.

10 NEW SECTION. **Sec. 14.** Section 10 of this act expires July 1,  
11 2024.

12 NEW SECTION. **Sec. 15.** Section 11 of this act takes effect July  
13 1, 2024.

14 NEW SECTION. **Sec. 16.** Sections 1 through 9 of this act are  
15 necessary for the immediate preservation of the public peace, health,  
16 or safety, or support of the state government and its existing public  
17 institutions, and takes effect immediately."

**2SSB 5128 - S AMD 344**  
By Senator Wellman

**ADOPTED AS AMENDED 03/04/2021**

18 On page 1, line 2 of the title, after "emergency;" strike the  
19 remainder of the title and insert "amending RCW 28A.160.170 and  
20 28A.160.192; reenacting and amending RCW 43.84.092, 43.84.092, and  
21 43.84.092; adding a new section to chapter 28A.160 RCW; adding a new  
22 section to chapter 28A.710 RCW; adding a new section to chapter  
23 28A.715 RCW; creating new sections; making an appropriation;  
24 providing effective dates; providing expiration dates; and declaring  
25 an emergency."

EFFECT: Removes the alternative student transportation allocation  
formula available when school districts, charter schools, or state-  
tribal compact schools provide remote instruction during emergencies.  
Removes language authorizing school districts, charter schools, and  
state-tribal compact schools to apply for additional safety net  
Code Rev/CL:lcl 17 S-1825.2/21 2nd draft

funding if they exceed their transportation allocation amount due to offering expanded services. Appropriates \$100,000,000 from the general fund to a newly created Public Schools Emergency Transportation Relief Account and authorizes expenditures from the account to backfill reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided such reductions have not been backfilled through receipt of federal emergency relief funds. Provides that account expenditures must be attributable to documented allowable uses for transportation-related services. Modifies the intent section to align with changes to the bill language. Allows for the Public Schools Emergency Transportation Relief Account to retain its accrued interest.

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