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**SENATE BILL 6170**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators L. Wilson, Mullet, and J. Wilson

Read first time 01/11/24. Referred to Committee on State Government & Elections.

1 AN ACT Relating to legislative oversight of moneys received from  
2 enforcement actions; amending RCW 43.79.270 and 43.10.220; adding a  
3 new section to chapter 43.79 RCW; creating a new section; and  
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.79  
7 RCW to read as follows:

8 (1) A state agency may not expend moneys except pursuant to an  
9 appropriation by law if the moneys are received in an administrative  
10 or judicial regulatory or civil enforcement action, or settlement  
11 thereof, brought by the state.

12 (2) In any regulatory or civil enforcement action brought by the  
13 attorney general under the authority of the attorney general or  
14 another state agency where moneys are to be paid to the state or to a  
15 state-administered account, the attorney general shall seek a court  
16 order or settlement that includes a requirement that the moneys  
17 received by the state may not be expended except pursuant to an  
18 appropriation by law.

19 (3) This section does not apply to:

20 (a) Moneys received by the state for payment by the state to  
21 individually identified injured parties or a specifically identified

1 class of parties as damages, restitution, or refunds. However, if  
2 such payments to a class of parties include a payment to a state  
3 agency, instead of damages, restitution, or refunds, such as payments  
4 under the doctrine of cy pres, the expenditure of the payment by the  
5 state agency is subject to this section;

6 (b) Fees or enforcement actions to collect fees, including  
7 investigation or examination fees, that are established by  
8 administrative rule or statute;

9 (c) Expenditures from accounts outside the state treasury,  
10 including court registries, exclusively for purposes of remedial  
11 action or natural resource damages under chapters 70A.305, 90.48, and  
12 90.56 RCW, 33 U.S.C. Sec. 2701 et seq., or 42 U.S.C. Sec. 9601 et  
13 seq., or for purposes of financial assurance under chapter 70A.205 or  
14 70A.300 RCW;

15 (d) Moneys recovered by the department of social and health  
16 services for client services, benefits, or vendor overpayments or  
17 moneys collected by the division of child support;

18 (e) Expenditures from nonappropriated funds and accounts that are  
19 specifically established by statute if the statute does not  
20 incorporate a reference to this section; or

21 (f) Moneys specifically awarded by a court to the state or  
22 allocated in a settlement of any action as court costs or attorneys'  
23 fees incurred by the state in pursuing the action.

24 **Sec. 2.** RCW 43.79.270 and 2021 c 334 s 972 are each amended to  
25 read as follows:

26 (1) Except as provided in subsection (3) of this section,  
27 whenever any money, from the federal government, or from other  
28 sources, which was not anticipated in the budget approved by the  
29 legislature has actually been received and is designated to be spent  
30 for a specific purpose, the head of any department, agency, board, or  
31 commission through which such expenditure shall be made is to submit  
32 to the governor a statement which may be in the form of a request for  
33 an allotment amendment setting forth the facts constituting the need  
34 for such expenditure and the estimated amount to be expended:  
35 PROVIDED, That no expenditure shall be made in excess of the actual  
36 amount received, and no money shall be expended for any purpose  
37 except the specific purpose for which it was received, and no money  
38 shall be expended under this section if an appropriation is required  
39 under section 1 of this act. A copy of any proposal submitted to the

1 governor to expend money from an appropriated fund or account in  
2 excess of appropriations provided by law which is based on the  
3 receipt of unanticipated revenues shall be submitted to the joint  
4 legislative audit and review committee and also to the standing  
5 committees on ways and means of the house and senate if the  
6 legislature is in session at the same time as it is transmitted to  
7 the governor.

8 (2) Except as provided in subsection (3) of this section, and  
9 notwithstanding subsection (1) of this section, whenever money from  
10 any source that was not anticipated in the transportation budget  
11 approved by the legislature has actually been received and is  
12 designated to be spent for a specific purpose, the head of a  
13 department, agency, board, or commission through which the  
14 expenditure must be made shall submit to the governor a statement,  
15 which may be in the form of a request for an allotment amendment,  
16 setting forth the facts constituting the need for the expenditure and  
17 the estimated amount to be expended. However, no expenditure may be  
18 made in excess of the actual amount received, and no money may be  
19 expended for any purpose except the specific purpose for which it was  
20 received. A copy of any proposal submitted to the governor to expend  
21 money from an appropriated transportation fund or account in excess  
22 of appropriations provided by law that is based on the receipt of  
23 unanticipated revenues must be submitted, at a minimum, to the  
24 standing committees on transportation of the house and senate at the  
25 same time as it is transmitted to the governor.

26 (3) During the 2021-2023 fiscal biennium, whenever any money in  
27 the amount of \$5,000,000 or more, from the federal government, or  
28 from other sources, which was not anticipated in the operating,  
29 capital, or transportation budget approved by the legislature has  
30 been awarded or has actually been received when the legislature is  
31 not in session and the use of the money is unrestricted or provides  
32 discretion to use the moneys for more than one agency, program, or  
33 purpose, the governor must:

34 (a) Submit a copy of the proposed allotment amendment to the  
35 joint legislative unanticipated revenue oversight committee;

36 (b) Provide an explanation of the timing, source, and  
37 availability of such funds and why the need for the expenditure could  
38 not have been anticipated in time for such expenditure to have been  
39 approved as part of a budget act for that particular fiscal year; and

1 (c) Provide the joint legislative unanticipated revenue oversight  
2 committee 14 calendar days from submittal the opportunity to review  
3 and comment on the proposed allotment amendment before approving  
4 under RCW 43.79.280.

5 **Sec. 3.** RCW 43.10.220 and 2016 sp.s. c 36 s 926 are each amended  
6 to read as follows:

7 ((The)) Except as provided in section 1 of this act, the attorney  
8 general is authorized to expend from the antitrust revolving fund,  
9 created by RCW 43.10.210 through 43.10.220, such funds as are  
10 necessary for the payment of costs, expenses and charges incurred in  
11 the preparation, institution and maintenance of antitrust actions  
12 under the state and federal antitrust acts. ((During the 2015-2017  
13 fiscal biennium, the attorney general may expend from the antitrust  
14 revolving fund for the purposes of the consumer protection activities  
15 of the office.))

16 NEW SECTION. **Sec. 4.** If any part of this act is found to be in  
17 conflict with federal requirements that are a prescribed condition to  
18 the allocation of federal funds to the state, the conflicting part of  
19 this act is inoperative solely to the extent of the conflict and with  
20 respect to the agencies directly affected, and this finding does not  
21 affect the operation of the remainder of this act in its application  
22 to the agencies concerned. Rules adopted under this act must meet  
23 federal requirements that are a necessary condition to the receipt of  
24 federal funds by the state.

25 NEW SECTION. **Sec. 5.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2024.

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