
HOUSE BILL 2794

State of Washington 60th Legislature 2008 Regular Session

By Representatives Wallace, Chase, Sells, Williams, Green, Haigh, Santos, and Simpson

Read first time 01/16/08. Referred to Committee on Human Services.

1 AN ACT Relating to promoting accessible communities for persons
2 with disabilities; amending RCW 29A.46.260, 43.84.092, and 38.52.070;
3 reenacting and amending RCW 46.16.381, 43.84.092, and 43.84.092; adding
4 new sections to chapter 50.40 RCW; adding a new section to chapter
5 36.01 RCW; creating a new section; providing an effective date;
6 providing a contingent effective date; and providing an expiration
7 date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that when people who
10 have disabilities are welcomed and included as members of our
11 communities and provided with equal access to the opportunities
12 available to others, their participation enriches those communities,
13 enhances the strength of those communities' diversity, and contributes
14 toward the economic vitality of those communities. The legislature
15 further finds that more than nine hundred thousand Washington state
16 residents with disabilities continue to face barriers to full
17 participation that could be easily eliminated.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.40 RCW
2 to read as follows:

3 (1) The accessible communities account is created in the custody of
4 the state treasurer. Two hundred dollars from each penalty imposed
5 under RCW 46.16.381 (7), (8), (9), and (11) must be deposited into the
6 account.

7 (2) The account is subject to the allotment procedures under
8 chapter 43.88 RCW, but an appropriation is not required for
9 expenditures. Only the commissioner may authorize expenditures from
10 the account.

11 (3) Expenditures from the account may be used for promoting greater
12 awareness of disability issues and improved access for and acceptance
13 of persons with disabilities in communities in the state of Washington,
14 including:

15 (a) Reimbursing travel, per diem, and reasonable accommodation or
16 meeting expenses for county accessible community advisory committees;

17 (b) Establishing and maintaining an accessible communities web
18 site;

19 (c) Providing training or technical assistance for county
20 accessible community advisory committees; and

21 (d) A grant program for funding proposals developed and submitted
22 by county accessible community advisory committees to promote greater
23 awareness of disability issues and access for persons with disabilities
24 within the community.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.40 RCW
26 to read as follows:

27 (1) The governor's committee on disability issues and employment
28 shall:

29 (a) Determine eligibility of accessible community advisory
30 committees for grant funding according to section 4(1) of this act;

31 (b) Solicit proposals from active accessible community advisory
32 committees for projects to improve disability awareness and access for
33 persons with disabilities, and shall select projects for funding from
34 moneys available in the accessible communities account; and

35 (c) Adopt rules to administer this subsection.

36 (2) The governor's committee on disability issues and employment
37 shall establish an accessible communities web site to provide the

1 following information: Guidance, technical assistance, reference
2 materials, and resource identification for local governments,
3 accessible community advisory committees, and public accommodations;
4 examples of best practices for local initiatives and activities to
5 promote greater awareness of disability issues and access for persons
6 with disabilities within the community; and a searchable listing of
7 local public accommodations that have taken steps to be more disability
8 friendly, including information on the specific access features
9 provided.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
11 to read as follows:

12 (1) A county that has an active accessible community advisory
13 committee established under RCW 29A.46.260 may be reimbursed from the
14 accessible communities account created in section 2 of this act for
15 travel, per diem, reasonable accommodation expenses for the
16 participation of that committee's members in committee meetings and
17 sponsored activities, and meeting room costs for the county's
18 accessible community advisory committee meetings.

19 (2) A county establishes that it has an active accessible community
20 advisory committee by submitting annual assurances to the governor's
21 committee on disability issues and employment that:

22 (a) Committee members include persons with a diverse range of
23 disabilities who are knowledgeable in identifying and eliminating
24 attitudinal, programmatic, and physical barriers encountered by persons
25 with disabilities.

26 (b) The committee is actively involved in the following activities:
27 Advising on addressing the needs of persons with disabilities in
28 emergency plans; advising the county and other local governments within
29 the county on access to programs services and activities, new
30 construction or renovation projects, sidewalks, other pedestrian routes
31 of travel, and disability parking enforcement; and developing local
32 initiatives and activities to promote greater awareness of disability
33 issues and access for persons with disabilities within the community.

34 (3) Adjacent counties may form joint accessible community advisory
35 committees, as long as no more than one of the participating counties
36 has a population greater than seventy thousand.

1 (4) A county that is required to establish and maintain an advisory
2 committee under RCW 29A.46.260 may incorporate the functions of that
3 committee into an active accessible community advisory committee.

4 **Sec. 5.** RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read
5 as follows:

6 (1) The legislature finds that the elimination of polling places
7 resulting from the transition to vote by mail creates barriers that
8 restrict the ability of many voters with disabilities from achieving
9 the independence and privacy in voting provided by the accessible
10 voting devices required under the help America vote act. Counties
11 adopting a vote by mail system must take appropriate steps to mitigate
12 these impacts and to address the obligation to provide voters with
13 disabilities an equal opportunity to vote independently and privately,
14 to the extent that this can be achieved without incurring undue
15 administrative and financial burden.

16 (2) Each county shall establish and maintain an accessible
17 community advisory committee that includes persons with diverse
18 disabilities and persons with expertise in providing accommodations for
19 persons with disabilities. The committee shall assist election
20 officials in developing a plan to identify and implement changes to
21 improve the accessibility of elections for voters with disabilities.
22 The plan shall include recommendations for the following:

23 (a) The number of polling places that will be maintained in order
24 to ensure that people with disabilities have reasonable access to
25 accessible voting devices, and a written explanation for how the
26 determination was made;

27 (b) The locations of polling places, drop-off facilities, voting
28 centers, and other election-related functions necessary to maximize
29 accessibility to persons with disabilities;

30 (c) Outreach to voters with disabilities on the availability of
31 disability accommodation, including in-person disability access voting;

32 (d) Transportation of voting devices to locations convenient for
33 voters with disabilities in order to ensure reasonable access for
34 voters with disabilities; and

35 (e) Implementation of the provisions of the help America vote act
36 related to persons with disabilities.

1 Counties must update the plan at least annually. The election
2 review staff of the secretary of state shall review and evaluate the
3 plan in conformance with the review procedure identified in RCW
4 29A.04.570.

5 (3) Counties may form a joint accessible community advisory
6 committee to develop the plan identified in subsection (2) of this
7 section if (~~the total population of the joining counties does not~~
8 ~~exceed thirty thousand, and the counties are geographically adjacent~~)
9 no more than one of the participating counties has a population greater
10 than seventy thousand.

11 **Sec. 6.** RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are
12 each reenacted and amended to read as follows:

13 (1) The director shall grant special parking privileges to any
14 person who has a disability that limits or impairs the ability to walk
15 or involves acute sensitivity to light and meets one of the following
16 criteria, as determined by a licensed physician, an advanced registered
17 nurse practitioner licensed under chapter 18.79 RCW, or a physician
18 assistant licensed under chapter 18.71A or 18.57A RCW:

19 (a) Cannot walk two hundred feet without stopping to rest;

20 (b) Is severely limited in ability to walk due to arthritic,
21 neurological, or orthopedic condition;

22 (c) Has such a severe disability, that the person cannot walk
23 without the use of or assistance from a brace, cane, another person,
24 prosthetic device, wheelchair, or other assistive device;

25 (d) Uses portable oxygen;

26 (e) Is restricted by lung disease to such an extent that forced
27 expiratory respiratory volume, when measured by spirometry is less than
28 one liter per second or the arterial oxygen tension is less than sixty
29 mm/hg on room air at rest;

30 (f) Impairment by cardiovascular disease or cardiac condition to
31 the extent that the person's functional limitations are classified as
32 class III or IV under standards accepted by the American Heart
33 Association;

34 (g) Has a disability resulting from an acute sensitivity to
35 automobile emissions which limits or impairs the ability to walk. The
36 personal physician, advanced registered nurse practitioner, or

1 physician assistant of the applicant shall document that the disability
2 is comparable in severity to the others listed in this subsection;

3 (h) Is legally blind and has limited mobility; or

4 (i) Is restricted by a form of porphyria to the extent that the
5 applicant would significantly benefit from a decrease in exposure to
6 light.

7 (2) The applications for parking permits for persons with
8 disabilities and parking permits for persons with temporary
9 disabilities are official state documents. Knowingly providing false
10 information in conjunction with the application is a gross misdemeanor
11 punishable under chapter 9A.20 RCW. The following statement must
12 appear on each application form immediately below the physician's,
13 advanced registered nurse practitioner's, or physician assistant's
14 signature and immediately below the applicant's signature: "A parking
15 permit for a person with disabilities may be issued only for a medical
16 necessity that severely affects mobility or involves acute sensitivity
17 to light (RCW 46.16.381). Knowingly providing false information on
18 this application is a gross misdemeanor. The penalty is up to one year
19 in jail and a fine of up to \$5,000 or both."

20 (3) Persons who qualify for special parking privileges are entitled
21 to receive from the department of licensing a removable windshield
22 placard bearing the international symbol of access and an individual
23 serial number, along with a special identification card bearing the
24 name and date of birth of the person to whom the placard is issued, and
25 the placard's serial number. The special identification card shall be
26 issued to all persons who are issued parking placards, including those
27 issued for temporary disabilities, and special parking license plates
28 for persons with disabilities. The department shall design the placard
29 to be displayed when the vehicle is parked by suspending it from the
30 rearview mirror, or in the absence of a rearview mirror the card may be
31 displayed on the dashboard of any vehicle used to transport the person
32 with disabilities. Instead of regular motor vehicle license plates,
33 persons with disabilities are entitled to receive special license
34 plates under this section or RCW 46.16.385 bearing the international
35 symbol of access for one vehicle registered in the name of the person
36 with disabilities. Persons with disabilities who are not issued the
37 special license plates are entitled to receive a second special placard
38 upon submitting a written request to the department. Persons who have

1 been issued the parking privileges and who are using a vehicle or are
2 riding in a vehicle displaying the placard or special license plates
3 issued under this section or RCW 46.16.385 may park in places reserved
4 for persons with physical disabilities. The director shall adopt rules
5 providing for the issuance of special placards and license plates to
6 public transportation authorities, nursing homes licensed under chapter
7 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
8 citizen centers, private nonprofit agencies as defined in chapter 24.03
9 RCW, and vehicles registered with the department as cabulances that
10 regularly transport persons with disabilities who have been determined
11 eligible for special parking privileges provided under this section.
12 The director may issue special license plates for a vehicle registered
13 in the name of the public transportation authority, nursing home,
14 boarding home, senior citizen center, private nonprofit agency, or
15 cabulance service if the vehicle is primarily used to transport persons
16 with disabilities described in this section. Public transportation
17 authorities, nursing homes, boarding homes, senior citizen centers,
18 private nonprofit agencies, and cabulance services are responsible for
19 insuring that the special placards and license plates are not used
20 improperly and are responsible for all fines and penalties for improper
21 use.

22 (4) Whenever the person with disabilities transfers or assigns his
23 or her interest in the vehicle, the special license plates shall be
24 removed from the motor vehicle. If another vehicle is acquired by the
25 person with disabilities and the vehicle owner qualifies for a special
26 plate, the plate shall be attached to the vehicle, and the director
27 shall be immediately notified of the transfer of the plate. If another
28 vehicle is not acquired by the person with disabilities, the removed
29 plate shall be immediately surrendered to the director.

30 (5) The special license plate shall be renewed in the same manner
31 and at the time required for the renewal of regular motor vehicle
32 license plates under this chapter. No special license plate may be
33 issued to a person who is temporarily disabled. A person who has a
34 condition expected to improve within six months may be issued a
35 temporary placard for a period not to exceed six months. If the
36 condition exists after six months a new temporary placard shall be
37 issued upon receipt of a new certification from the person's physician.
38 The permanent parking placard and identification card of a person with

1 disabilities shall be renewed at least every five years, as required by
2 the director, by satisfactory proof of the right to continued use of
3 the privileges. In the event of the permit holder's death, the parking
4 placard and identification card must be immediately surrendered to the
5 department. The department shall match and purge its database of
6 parking permits issued to persons with disabilities with available
7 death record information at least every twelve months.

8 (6) Additional fees shall not be charged for the issuance of the
9 special placards or the identification cards. No additional fee may be
10 charged for the issuance of the special license plates except the
11 regular motor vehicle registration fee and any other fees and taxes
12 required to be paid upon registration of a motor vehicle.

13 (7) Any unauthorized use of the special placard, special license
14 plate issued under this section or RCW 46.16.385, or identification
15 card is a traffic infraction with a monetary penalty of (~~two~~) four
16 hundred fifty dollars.

17 (8) It is a parking infraction, with a monetary penalty of (~~two~~)
18 four hundred fifty dollars for a person to park in, block, or otherwise
19 make inaccessible the access aisle located next to a space reserved for
20 persons with physical disabilities. The clerk of the court shall
21 report all violations related to this subsection to the department.

22 (9) It is a parking infraction, with a monetary penalty of (~~two~~)
23 four hundred fifty dollars for any person to park a vehicle in a
24 parking place provided on private property without charge or on public
25 property reserved for persons with physical disabilities without a
26 placard or special license plate issued under this section or RCW
27 46.16.385. If a person is charged with a violation, the person shall
28 not be determined to have committed an infraction if the person
29 produces in court or before the court appearance the placard or special
30 license plate issued under this section or RCW 46.16.385 required under
31 this section. A local jurisdiction providing nonmetered, on-street
32 parking places reserved for persons with physical disabilities may
33 impose by ordinance time restrictions of no less than four hours on the
34 use of these parking places. A local jurisdiction may impose by
35 ordinance time restrictions of no less than four hours on the use of
36 nonreserved, on-street parking spaces by vehicles displaying the
37 special parking placards or special license plates issued under this

1 section or RCW 46.16.385. All time restrictions must be clearly
2 posted.

3 (10) (~~The penalties~~) Two hundred dollars from each penalty
4 imposed under subsections (7), (8) (~~and~~), (9), and (11) of this
5 section shall be deposited in the accessible communities account
6 created in section 2 of this act. The remaining penalty amounts shall
7 be used by that local jurisdiction exclusively for law enforcement.
8 The court may also impose an additional penalty sufficient to reimburse
9 the local jurisdiction for any costs it may have incurred in removal
10 and storage of the improperly parked vehicle.

11 (11) Except as provided by subsection (2) of this section, it is a
12 traffic infraction with a monetary penalty of (~~two~~) four hundred
13 fifty dollars for any person willfully to obtain a special license
14 plate issued under this section or RCW 46.16.385, placard, or
15 identification card in a manner other than that established under this
16 section.

17 (12)(a) A law enforcement agency authorized to enforce parking laws
18 may appoint volunteers, with a limited commission, to issue notices of
19 infractions for violations of this section or RCW 46.61.581.
20 Volunteers must be at least twenty-one years of age. The law
21 enforcement agency appointing volunteers may establish any other
22 qualifications the agency deems desirable.

23 (b) An agency appointing volunteers under this section must provide
24 training to the volunteers before authorizing them to issue notices of
25 infractions.

26 (c) A notice of infraction issued by a volunteer appointed under
27 this subsection has the same force and effect as a notice of infraction
28 issued by a police officer for the same offense.

29 (d) A police officer or a volunteer may request a person to show
30 the person's identification card or special parking placard when
31 investigating the possibility of a violation of this section. If the
32 request is refused, the person in charge of the vehicle may be issued
33 a notice of infraction for a violation of this section.

34 (13) For second or subsequent violations of this section, in
35 addition to a monetary fine, the violator must complete a minimum of
36 forty hours of:

37 (a) Community restitution for a nonprofit organization that serves
38 persons having disabilities or disabling diseases; or

1 (b) Any other community restitution that may sensitize the violator
2 to the needs and obstacles faced by persons who have disabilities.

3 (14) The court may not suspend more than one-half of any fine
4 imposed under subsection (7), (8), (9), or (11) of this section.

5 (15) For the purposes of this section, "legally blind" means a
6 person who: (a) Has no vision or whose vision with corrective lenses
7 is so limited that the individual requires alternative methods or
8 skills to do efficiently those things that are ordinarily done with
9 sight by individuals with normal vision; or (b) has an eye condition of
10 a progressive nature which may lead to blindness.

11 **Sec. 7.** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are
12 each reenacted and amended to read as follows:

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

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

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

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

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

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The accessible communities
10 account, the capitol building construction account, the Cedar River
11 channel construction and operation account, the Central Washington
12 University capital projects account, the charitable, educational, penal
13 and reformatory institutions account, the Columbia river basin water
14 supply development account, the common school construction fund, the
15 county criminal justice assistance account, the county sales and use
16 tax equalization account, the data processing building construction
17 account, the deferred compensation administrative account, the deferred
18 compensation principal account, the department of retirement systems
19 expense account, the developmental disabilities community trust
20 account, the drinking water assistance account, the drinking water
21 assistance administrative account, the drinking water assistance
22 repayment account, the Eastern Washington University capital projects
23 account, the education construction fund, the education legacy trust
24 account, the election account, the emergency reserve fund, the energy
25 freedom account, The Evergreen State College capital projects account,
26 the federal forest revolving account, the freight congestion relief
27 account, the freight mobility investment account, the freight mobility
28 multimodal account, the health services account, the public health
29 services account, the health system capacity account, the personal
30 health services account, the state higher education construction
31 account, the higher education construction account, the highway
32 infrastructure account, the high-occupancy toll lanes operations
33 account, the industrial insurance premium refund account, the judges'
34 retirement account, the judicial retirement administrative account, the
35 judicial retirement principal account, the local leasehold excise tax
36 account, the local real estate excise tax account, the local sales and
37 use tax account, the medical aid account, the mobile home park
38 relocation fund, the multimodal transportation account, the municipal

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

1 scientific permanent fund, and the state university permanent fund
2 shall be allocated to their respective beneficiary accounts. All
3 earnings to be distributed under this subsection (4)(a) shall first be
4 reduced by the allocation to the state treasurer's service fund
5 pursuant to RCW 43.08.190.

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

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

27 **Sec. 8.** RCW 43.84.092 and 2007 c 484 s 4 are each 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 receive
33 funds associated with federal programs as required by the federal cash
34 management improvement act of 1990. The treasury income account is
35 subject in all respects to chapter 43.88 RCW, but no appropriation is
36 required for refunds or allocations of interest earnings required by
37 the cash management improvement act. Refunds of interest to the

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

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

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

22 (a) The following accounts and funds shall receive their
23 proportionate share of earnings based upon each account's and fund's
24 average daily balance for the period: The accessible communities
25 account, the budget stabilization account, the capitol building
26 construction account, the Cedar River channel construction and
27 operation account, the Central Washington University capital projects
28 account, the charitable, educational, penal and reformatory
29 institutions account, the Columbia river basin water supply development
30 account, the common school construction fund, the county criminal
31 justice assistance account, the county sales and use tax equalization
32 account, the data processing building construction account, the
33 deferred compensation administrative account, the deferred compensation
34 principal account, the department of retirement systems expense
35 account, the developmental disabilities community trust account, the
36 drinking water assistance account, the drinking water assistance
37 administrative account, the drinking water assistance repayment
38 account, the Eastern Washington University capital projects account,

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

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

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

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

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

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

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

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

32 (4) Monthly, the state treasurer shall distribute the earnings
33 credited to the treasury income account. The state treasurer shall
34 credit the general fund with all the earnings credited to the treasury
35 income account except:

36 The following accounts and funds shall receive their proportionate
37 share of earnings based upon each account's and fund's average daily

1 balance for the period: The accessible communities account, the
2 aeronautics account, the aircraft search and rescue account, the
3 capitol building construction account, the Cedar River channel
4 construction and operation account, the Central Washington University
5 capital projects account, the charitable, educational, penal and
6 reformatory institutions account, the Columbia river basin water supply
7 development account, the common school construction fund, the county
8 arterial preservation account, the county criminal justice assistance
9 account, the county sales and use tax equalization account, the data
10 processing building construction account, the deferred compensation
11 administrative account, the deferred compensation principal account,
12 the department of licensing services account, the department of
13 retirement systems expense account, the developmental disabilities
14 community trust account, the drinking water assistance account, the
15 drinking water assistance administrative account, the drinking water
16 assistance repayment account, the Eastern Washington University capital
17 projects account, the education construction fund, the education legacy
18 trust account, the election account, the emergency reserve fund, the
19 energy freedom account, the essential rail assistance account, The
20 Evergreen State College capital projects account, the federal forest
21 revolving account, the ferry bond retirement fund, the freight
22 congestion relief account, the freight mobility investment account, the
23 freight mobility multimodal account, the grade crossing protective
24 fund, the health services account, the public health services account,
25 the health system capacity account, the personal health services
26 account, the high capacity transportation account, the state higher
27 education construction account, the higher education construction
28 account, the highway bond retirement fund, the highway infrastructure
29 account, the highway safety account, the high-occupancy toll lanes
30 operations account, the industrial insurance premium refund account,
31 the judges' retirement account, the judicial retirement administrative
32 account, the judicial retirement principal account, the local leasehold
33 excise tax account, the local real estate excise tax account, the local
34 sales and use tax account, the medical aid account, the mobile home
35 park relocation fund, the motor vehicle fund, the motorcycle safety
36 education account, the multimodal transportation account, the municipal
37 criminal justice assistance account, the municipal sales and use tax
38 equalization account, the natural resources deposit account, the oyster

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

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

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

15 **Sec. 10.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read
16 as follows:

17 (1) Each political subdivision of this state is hereby authorized
18 and directed to establish a local organization or to be a member of a
19 joint local organization for emergency management in accordance with
20 the state comprehensive emergency management plan and program:
21 PROVIDED, That a political subdivision proposing such establishment
22 shall submit its plan and program for emergency management to the state
23 director and secure his or her recommendations thereon, and
24 verification of consistency with the state comprehensive emergency
25 management plan, in order that the plan of the local organization for
26 emergency management may be coordinated with the plan and program of
27 the state. Local comprehensive emergency management plans must specify
28 the use of the incident command system for
29 multiagency/multijurisdiction operations. By July 2010, local
30 comprehensive emergency plans must identify and respond to the needs of
31 persons with disabilities concerning issues such as: Notification;
32 evacuation; emergency transportation; sheltering; access to
33 medications, refrigeration, and backup power; access to mobility
34 devices and service animals while in transit or at shelters; and access
35 to information. The local comprehensive emergency plans must document
36 the participation of accessible community advisory committees or other
37 local disability organizations in developing the responses to these

1 issues. No political subdivision may be required to include in its
2 plan provisions for the emergency evacuation or relocation of residents
3 in anticipation of nuclear attack. If the director's recommendations
4 are adverse to the plan as submitted, and, if the local organization
5 does not agree to the director's recommendations for modification to
6 the proposal, the matter shall be referred to the council for final
7 action. The director may authorize two or more political subdivisions
8 to join in the establishment and operation of a joint local
9 organization for emergency management as circumstances may warrant, in
10 which case each political subdivision shall contribute to the cost of
11 emergency management upon such fair and equitable basis as may be
12 determined upon by the executive heads of the constituent subdivisions.
13 If in any case the executive heads cannot agree upon the proper
14 division of cost the matter shall be referred to the council for
15 arbitration and its decision shall be final. When two or more
16 political subdivisions join in the establishment and operation of a
17 joint local organization for emergency management each shall pay its
18 share of the cost into a special pooled fund to be administered by the
19 treasurer of the most populous subdivision, which fund shall be known
20 as the emergency management fund. Each local organization
21 or joint local organization for emergency management shall have a
22 director who shall be appointed by the executive head of the political
23 subdivision, and who shall have direct responsibility for the
24 organization, administration, and operation of such local organization
25 for emergency management, subject to the direction and control of such
26 executive officer or officers. In the case of a joint local
27 organization for emergency management, the director shall be appointed
28 by the joint action of the executive heads of the constituent political
29 subdivisions. Each local organization or joint local organization for
30 emergency management shall perform emergency management functions
31 within the territorial limits of the political subdivision within which
32 it is organized, and, in addition, shall conduct such functions outside
33 of such territorial limits as may be required pursuant to the
34 provisions of this chapter.

35 (2) In carrying out the provisions of this chapter each political
36 subdivision, in which any disaster as described in RCW 38.52.020
37 occurs, shall have the power to enter into contracts and incur
38 obligations necessary to combat such disaster, protecting the health

1 and safety of persons and property, and providing emergency assistance
2 to the victims of such disaster. Each political subdivision is
3 authorized to exercise the powers vested under this section in the
4 light of the exigencies of an extreme emergency situation without
5 regard to time-consuming procedures and formalities prescribed by law
6 (excepting mandatory constitutional requirements), including, but not
7 limited to, budget law limitations, requirements of competitive bidding
8 and publication of notices, provisions pertaining to the performance of
9 public work, entering into contracts, the incurring of obligations, the
10 employment of temporary workers, the rental of equipment, the purchase
11 of supplies and materials, the levying of taxes, and the appropriation
12 and expenditures of public funds.

13 NEW SECTION. **Sec. 11.** Section 7 of this act expires July 1, 2009.

14 NEW SECTION. **Sec. 12.** Section 8 of this act takes effect July 1,
15 2008, if the proposed amendment to Article VII of the state
16 Constitution is approved at the November 2007 general election.

17 NEW SECTION. **Sec. 13.** Section 9 of this act takes effect July 1,
18 2009.

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