
SECOND SUBSTITUTE SENATE BILL 6023

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senators Swecker, Prentice, Benton, Pridemore, Schoesler, Haugen, Kilmer, Chase, Hill, Holmquist Newbry, Becker, Ranker, Ericksen, Shin, and Frockt)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to creating the permit efficiency and
2 accountability committee to select priority economic recovery projects
3 for review by multiagency permitting teams; amending RCW 43.42.030,
4 43.42.070, 43.42.092, 43.42.095, and 43.79A.040; reenacting and
5 amending RCW 43.84.092; adding new sections to chapter 43.42 RCW;
6 creating new sections; providing an expiration date; and declaring an
7 emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that in 2010, to
10 spur economic development and job creation during an economic and
11 financial crisis, the legislature authorized multiagency permitting
12 teams to coordinate permitting and integrate regulatory decision making
13 for certain targeted public and private projects, at the request of
14 proponents of those projects.

15 (2) The legislature declares that in the continuing economic and
16 financial crisis, to help restore Washington's economic vitality a
17 process must be established to select priority economic recovery
18 projects for review by multiagency permitting teams and to monitor the
19 teams' progress in coordinating permitting and integrating regulatory

1 decision making for those projects, and ensure cost-reimbursement
2 resources are effectively used to address permit agency staffing and
3 capacity limitations as may be relevant.

4 (3) The legislature therefore creates the permit efficiency and
5 accountability committee to:

6 (a) Select priority economic recovery projects;

7 (b) Assign the projects to multiagency permitting teams to
8 coordinate permitting and integrate regulatory decision making while
9 maintaining important public health, safety, and environmental
10 standards; and

11 (c) Monitor the progress of multiagency permitting teams in
12 completing their tasks.

13 (4) In addition, the legislature intends to facilitate cost-
14 reimbursement agreements to enable multiagency permitting teams to
15 complete their tasks.

16 **Sec. 2.** RCW 43.42.030 and 2009 c 97 s 3 are each amended to read
17 as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Director" means the director of the office of regulatory
21 assistance.

22 (2) "Fully coordinated permit process" means a comprehensive
23 coordinated permitting assistance approach supported by a written
24 agreement between the project proponent, the office of regulatory
25 assistance, and the agencies participating in the fully coordinated
26 permit process.

27 (3) "General coordination services" means services that bring
28 interested parties together to explore opportunities for cooperation
29 and to resolve conflicts. General coordination services may be
30 provided as a stand-alone event or as an element of broader project
31 assistance, nonproject-related interagency coordination, or policy and
32 planning teamwork.

33 (4) "Multiagency permitting team" means representatives of permit
34 agencies authorized to coordinate permitting and integrate regulatory
35 decision making for a project, as provided in RCW 43.42.092.

36 (5) "Office" means the office of regulatory assistance established
37 in RCW 43.42.010.

1 ~~((+5))~~ (6) "Permit" means any permit, license, certificate, use
2 authorization, or other form of governmental review or approval
3 required in order to construct, expand, or operate a project in the
4 state of Washington.

5 ~~((+6))~~ (7) "Permit agency" means any state, local, or federal
6 agency authorized by law to issue permits.

7 ~~((+7))~~ (8)(a) "Priority economic recovery project" means a project
8 that is:

9 (i) Supported by a locally impacted community or communities; and
10 (ii) Creates a substantial number of new jobs or may be necessary
11 to retain a substantial number of existing jobs.

12 (b) "Priority economic recovery project" does not include siting or
13 construction of residential dwelling units.

14 (9) "Project" means any activity, the conduct of which requires a
15 permit or permits from one or more permit agencies. "Project" may
16 include a priority economic recovery project.

17 ~~((+8))~~ (10) "Project proponent" means a citizen, business, or any
18 entity applying for or seeking a permit or permits in the state of
19 Washington.

20 ~~((+9))~~ (11) "Project scoping" means the identification of relevant
21 issues and information needs of a project proponent and the permitting
22 agencies, and reaching a common understanding regarding the process,
23 timing, and sequencing for obtaining applicable permits.

24 NEW SECTION. Sec. 3. A new section is added to chapter 43.42 RCW
25 to read as follows:

26 (1) The permit efficiency and accountability committee is created,
27 consisting of nine voting members and up to ten nonvoting members. The
28 office must convene the committee and facilitate committee meetings.

29 (2) Voting members of the committee must include:

30 (a) Two members from the senate representing each of the two
31 largest caucuses, designated by the chairs of each caucus;

32 (b) Two members from the house of representatives representing each
33 of the two largest caucuses, designated by the chairs of each caucus;

34 (c) One member representing the department of ecology, designated
35 by the director of that agency;

36 (d) One member representing the department of fish and wildlife,
37 designated by the director of that agency;

1 (e) One member representing the department of natural resources,
2 designated by the commissioner of public lands;

3 (f) One member representing the association of Washington cities,
4 designated by that organization; and

5 (g) One member representing the Washington state association of
6 counties, designated by that organization.

7 (3) Nonvoting members of the committee shall include:

8 (a) One member representing the associated general contractors of
9 Washington, designated by that organization;

10 (b) One member representing the association of Washington business,
11 designated by that organization; and

12 (c) One member representing statewide environmental organizations.

13 (4) The committee may include the following nonvoting members, who
14 must be invited to participate:

15 (a) One member representing the Northwest Indian fisheries
16 commission, designated by that organization;

17 (b) One member representing the Columbia river intertribal fish
18 commission, designated by that organization;

19 (c) One member representing the upper Columbia united tribes,
20 designated by that organization;

21 (d) One member representing the United States environmental
22 protection agency;

23 (e) One member representing the national oceanic and atmospheric
24 administration;

25 (f) One member representing the United States army corps of
26 engineers; and

27 (g) One member representing the United States fish and wildlife
28 service.

29 (5) Voting members of the committee must elect one of the four
30 legislators on the committee as the chair of the committee. The
31 committee may meet on a regular basis once every two months. The
32 committee may also meet at other times determined by the chair, who
33 must give reasonable prior notice to the members.

34 (6) Members of the committee are not compensated, but must receive
35 reimbursement for travel expenses in accordance with RCW 43.03.050 and
36 43.03.060.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.42 RCW
2 to read as follows:

3 (1) The committee may:

4 (a) Select, by consensus resolution of the voting members of the
5 committee, priority economic recovery projects, as provided in
6 subsection (2) of this section;

7 (b) Assign the selected priority economic recovery projects to
8 multiagency permitting teams to coordinate permitting and integrate
9 regulatory decision making, as provided in RCW 43.42.092; and

10 (c) Require quarterly reports from multiagency permitting teams
11 regarding assigned priority economic recovery projects, including
12 information regarding project work plans, progress, and any permitting
13 and regulatory decision making issues that may have arisen.

14 (2) The committee may select up to two priority economic recovery
15 projects prior to July 31, 2012, and subsequently select additional
16 priority economic recovery projects, considering the resources of
17 project proponents and permit agencies and the costs, impacts to, and
18 priorities of permit agencies.

19 (3) Multiagency permitting teams assigned to provide coordinated
20 permitting and integrated regulatory decision making for priority
21 economic recovery projects must:

22 (a) Use the most efficient and effective methods available; and

23 (b) Adapt their structure and operations to reflect varying permit
24 applications, approvals, and processes that may be required.

25 (4) The committee may require that a project proponent agree to
26 reimburse the office and permit agencies participating in multiagency
27 permitting teams their reasonable costs, pursuant to RCW 43.42.070.

28 (5) The committee must submit, consistent with RCW 43.01.036,
29 annual reports to the legislature by December 1st, commencing in 2012.

30 (6) Neither the committee nor its work groups may supersede the
31 permitting authority of a permitting agency, or otherwise supersede
32 existing statutes, administrative rules, or local ordinances or
33 regulations.

34 **Sec. 5.** RCW 43.42.070 and 2010 c 162 s 4 are each amended to read
35 as follows:

36 (1) The office may enter into cost-reimbursement agreements with a
37 project proponent to recover from the project proponent the reasonable

1 costs incurred by the office in carrying out the provisions of ((RCW
2 43.42.050, 43.42.060, 43.42.090, and 43.42.092)) this chapter. The
3 agreement must include provisions for covering the costs incurred by
4 the permit agencies that are participating in the cost-reimbursement
5 project and carrying out permit processing or project review tasks
6 referenced in the cost-reimbursement agreement.

7 (2) The office must maintain policies or guidelines for
8 coordinating cost-reimbursement agreements with participating agencies,
9 project proponents, and ((outside)) independent consultants. Policies
10 or guidelines must ensure that, in developing cost-reimbursement
11 agreements, conflicts of interest are eliminated. ((Contracts with
12 independent consultants hired by the office under this section must be
13 based on competitive bids that are awarded for each agreement from a
14 prequalified consultant roster.)) The policies must also support
15 effective use of cost-reimbursement resources to address staffing and
16 capacity limitations as may be relevant within the office or
17 participating permit agencies.

18 (3) For fully coordinated permit processes and priority economic
19 recovery projects selected pursuant to section 4 of this act, the
20 office must coordinate the negotiation of all cost-reimbursement
21 agreements executed under RCW 43.21A.690, 43.30.490, 43.70.630,
22 43.300.080, and 70.94.085. The office, project proponent, and ((the))
23 participating permit agencies must be signatories to the cost-
24 reimbursement agreement or agreements. Each participating permit
25 agency must manage performance of its portion of the cost-reimbursement
26 agreement. Independent consultants hired under a cost-reimbursement
27 agreement ((shall)) must report directly to the hiring office or
28 participating permit agency. Any cost-reimbursement agreement must
29 require that final decisions are made by the participating permit
30 agency and not by a hired independent consultant.

31 (4) For ((a fully coordinated project using cost reimbursement, the
32 office and participating permit agencies must include a cost-
33 reimbursement work plan, including deliverables and schedules for
34 invoicing and reimbursement in the fully coordinated project work plan
35 described in RCW 43.42.060. Upon request, the office must verify that
36 the agencies have met the obligations contained in the cost-
37 reimbursement work plan and agreement. The cost reimbursement

1 ~~agreement must identify the tasks of each agency and the maximum costs~~
2 ~~for work conducted under the agreement. The agreement must include a~~
3 ~~schedule that states:~~

4 ~~(a) The estimated number of weeks for initial review of the permit~~
5 ~~application for comparable projects;~~

6 ~~(b) The anticipated number of revision cycles;~~

7 ~~(c) The estimated number of weeks for review of subsequent revision~~
8 ~~submittals;~~

9 ~~(d) The estimated number of billable hours of employee time;~~

10 ~~(e) The rate per hour; and~~

11 ~~(f) A process for revision of the agreement if necessary.~~

12 ~~(5) If a permit agency or the project proponent foresees, at any~~
13 ~~time, that it will be unable to meet its obligations under the cost-~~
14 ~~reimbursement agreement and fully coordinated project work plan, it~~
15 ~~must notify the office and state the reasons, along with proposals for~~
16 ~~resolving the problems and potentially amending the timelines. The~~
17 ~~office must notify the participating permit agencies and the project~~
18 ~~proponent and, upon agreement of all parties, adjust the schedule, or,~~
19 ~~if necessary, coordinate revision of the cost reimbursement agreement~~
20 ~~and fully coordinated project work plan)) any project using cost~~
21 ~~reimbursement, the cost-reimbursement agreement must require the office~~
22 ~~and participating permit agencies to develop and periodically update a~~
23 ~~project work plan, which the office must provide on the internet and~~
24 ~~share with each party to the agreement.~~

25 (5)(a) The cost-reimbursement agreement must identify the proposed
26 project, the desired outcomes, and the maximum costs for work to be
27 conducted under the agreement. The desired outcomes must refer to the
28 decision-making process and may not prejudge or predetermine whether
29 decisions will be to approve or deny any required permit or other
30 application. Each participating permit agency must agree to give
31 priority to the cost-reimbursement project but may in no way reduce or
32 eliminate regulatory requirements as part of the priority review.

33 (b) Reasonable costs are determined based on time and materials
34 estimates with a provision for contingencies, or set as a flat fee tied
35 to a reasonable estimate of staff hours required.

36 (c) The cost-reimbursement agreement may include deliverables and
37 schedules for invoicing and reimbursement. The office may require
38 advance payment of some or all of the agreed reimbursement, to be held

1 in reserve and distributed to participating permit agencies and the
2 office upon approval of invoices by the project proponent. The project
3 proponent has thirty days to request additional information or
4 challenge an invoice. If an invoice is challenged, the office must
5 respond and attempt to resolve the challenge within thirty days. If
6 the office is unable to resolve the challenge within thirty days, the
7 challenge must be submitted to the office of financial management. A
8 decision on such a challenge must be made by the office of financial
9 management and approved by the director of the office of financial
10 management and is binding on the parties.

11 (d) Upon request, the office must verify whether participating
12 permit agencies have met the obligations contained in the project work
13 plan and cost-reimbursement agreement.

14 (6) If a party to the cost-reimbursement agreement foresees, at any
15 time, that it will be unable to meet its obligations under the
16 agreement, it must notify the office and state the reasons, along with
17 proposals for resolving the problems. The office must notify the other
18 parties to the cost-reimbursement agreement and seek to resolve the
19 problems by adjusting invoices, deliverables, or the project work plan,
20 or through some other accommodation.

21 **Sec. 6.** RCW 43.42.092 and 2010 c 162 s 3 are each amended to read
22 as follows:

23 (1)(a) The office of regulatory assistance is authorized to develop
24 and advertise the availability of optional multiagency permitting teams
25 to provide coordinated permitting and integrated regulatory decision
26 making starting in the Puget Sound basin.

27 (b) New expenses associated with operating the optional multiagency
28 permitting teams must be recovered by the office of regulatory
29 assistance using existing state cost-reimbursement and interagency
30 cost-sharing authorities as applicable. The cost-reimbursement process
31 is subject to the requirements and limitations set forth in RCW
32 43.42.070. ~~((Initial))~~ Staffing, consultant, technology, and other
33 administrative costs and other costs that may ~~((not be recoverable~~
34 through cost-reimbursement or cost-sharing mechanisms)) arise may be
35 covered by funds from the multiagency permitting team account created
36 in RCW 43.42.095.

1 (c) The director of the office of regulatory assistance must
2 solicit donations and such other funds as the director deems
3 appropriate from public and private sources (~~for the purposes of~~
4 ~~covering~~) to cover the initial administrative costs and other costs
5 associated with operation of optional multiagency permitting teams
6 (~~which~~) that are not recoverable through cost-reimbursement
7 agreements or cost-sharing mechanisms. All such solicited funds must
8 be placed in the multiagency permitting team account created in RCW
9 43.42.095.

10 (2) Optional multiagency permitting teams must be:

11 (a) Mobile, capable of traveling or working together as teams,
12 initially throughout the Puget Sound basin;

13 (b) Located initially in central Puget Sound;

14 (c) Staffed by appropriate senior-level permitting and regulatory
15 decision-making personnel representing the Washington state departments
16 of ecology, fish and wildlife, and natural resources and having
17 expertise in regulatory issues relating to the project; and

18 (d) Managed by the office of regulatory assistance through a team
19 leader responsible for:

20 (i) Managing or monitoring team activities to ensure the
21 cost-reimbursement schedule and agreement is followed;

22 (ii) Developing and maintaining partnerships and working
23 relationships with local, state, tribal, and federal organizations not
24 core to the optional multiagency permitting teams that can be called
25 upon to join the team on a project-by-project basis;

26 (iii) Developing, defining, and providing a set of coordinated
27 permitting and integrated decision-making services consistent with
28 those set forth in subsection (3) of this section;

29 (iv) Developing and executing funding agreements with applicants,
30 project proponents, regulatory agencies, and others as necessary to
31 ensure the financial viability of the optional multiagency permitting
32 teams;

33 (v) Measuring and regularly reporting on team performance, results
34 and outcomes achieved, including improved: Permitting predictability,
35 interagency early project coordination, interagency accessibility,
36 interagency relationships, project delivery, and environmental results,
37 including the avoidance or prevention of environmental harm and the
38 effectiveness of mitigation;

1 (vi) Conducting outreach, marketing, and advertising of team
2 services and team availability, focusing initially on projects such as
3 large-scale public, private, and port development projects with complex
4 aquatics, wetland, or other environmental impacts; environmental
5 cleanup, restoration, and enhancement projects; aquaculture projects;
6 and energy, power generation, and utility projects;

7 (vii) Implementing issue and dispute resolution protocols;

8 (viii) Incorporating and using virtual tools for online
9 collaboration to support permitting and regulatory coordination and
10 expedited decision making; and

11 (ix) Extending and subsequently implementing the optional
12 multiagency permitting team approach to other significant geographic
13 regions of the state.

14 (3) The optional multiagency permitting teams must at a minimum
15 work with the office of regulatory assistance to provide the following
16 core services:

17 (a) Project scoping, as set forth in RCW 43.42.050 (1) through (4),
18 to help applicants identify applicable permits and regulatory
19 approvals;

20 (b) A preapplication coordination service, which may be combined
21 with project scoping, to help applicants understand applicable
22 requirements and plan out with the assistance of the regulatory
23 agencies an optimally sequenced permitting and regulatory decision-
24 making strategy and approach for the overall project;

25 (c) Fully coordinated project review as set forth in RCW 43.42.060
26 to set schedules and agreed-upon time frames for the applicant and
27 regulatory decision makers consistent with statutory requirements and
28 with regard to available agency resources and to track, monitor, and
29 report progress made in meeting those schedules and time frames;

30 (d) Mitigation coordination to help applicants and regulatory
31 agencies collaborate on and implement mitigation obligations within a
32 watershed context so superior environmental results can be achieved
33 when impacts cannot be avoided or further minimized.

34 (4) Local and federal permitting and regulatory personnel should be
35 incorporated into the optional multiagency permitting teams whenever
36 possible and at least on a project-by-project basis. Moneys recouped
37 through state cost-reimbursement and interagency cost-sharing

1 authorities, or as otherwise solicited for deposit into the multiagency
2 permitting team account created in RCW 43.42.095, may also be used to
3 cover local and federal participation.

4 (5) The optional multiagency permitting teams will provide services
5 for complex projects requiring multiple permits and regulatory
6 approvals and having multiple points of regulatory jurisdiction. The
7 optional multiagency permitting teams are not intended to support state
8 transportation projects capable of being serviced by multiagency
9 permitting teams specifically established for state transportation
10 projects. Use of the optional multiagency permitting teams for a fully
11 coordinated permit process must be allowed unless the office of
12 regulatory assistance notifies a project proponent in writing of other
13 means of effective and efficient project review that are available and
14 are recommended.

15 **Sec. 7.** RCW 43.42.095 and 2010 c 162 s 5 are each amended to read
16 as follows:

17 The multiagency permitting team account is created in the custody
18 of the state ((treasury)) treasurer. All receipts from cost-
19 reimbursement agreements authorized in RCW 43.42.070 and section 4 of
20 this act and solicitations authorized in RCW 43.42.092 must be
21 deposited into the account. ~~((Moneys in the account may be spent only~~
22 ~~after appropriation.)) Expenditures from the account may be used only
23 for covering ~~((the initial))~~ staffing, consultant, technology, and
24 other administrative costs of multiagency permitting teams and ~~((such))~~
25 other costs associated with ~~((the teams as may arise that are not~~
26 ~~recoverable through cost reimbursement or cost sharing mechanisms))~~
27 multiagency project review and management that may arise. Only the
28 director of the office of regulatory assistance or the director's
29 designee may authorize expenditures from the account. The account is
30 subject to allotment procedures under chapter 43.88 RCW, but an
31 appropriation is not required for expenditures.~~

32 **Sec. 8.** RCW 43.79A.040 and 2011 1st sp.s. c 37 s 603 are each
33 amended to read as follows:

34 (1) Money in the treasurer's trust fund may be deposited, invested,
35 and reinvested by the state treasurer in accordance with RCW 43.84.080

1 in the same manner and to the same extent as if the money were in the
2 state treasury, and may be commingled with moneys in the state treasury
3 for cash management and cash balance purposes.

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

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

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

18 (b) The following accounts and funds must receive their
19 proportionate share of earnings based upon each account's or fund's
20 average daily balance for the period: The Washington promise
21 scholarship account, the college savings program account, the
22 Washington advanced college tuition payment program account, the
23 accessible communities account, the community and technical college
24 innovation account, the agricultural local fund, the American Indian
25 scholarship endowment fund, the foster care scholarship endowment fund,
26 the foster care endowed scholarship trust fund, the students with
27 dependents grant account, the basic health plan self-insurance reserve
28 account, the contract harvesting revolving account, the Washington
29 state combined fund drive account, the commemorative works account, the
30 county enhanced 911 excise tax account, the Washington international
31 exchange scholarship endowment fund, the toll collection account, the
32 developmental disabilities endowment trust fund, the energy account,
33 the fair fund, the family leave insurance account, the food animal
34 veterinarian conditional scholarship account, the fruit and vegetable
35 inspection account, the future teachers conditional scholarship
36 account, the game farm alternative account, the GET ready for math and
37 science scholarship account, the Washington global health technologies
38 and product development account, the grain inspection revolving fund,

1 the industrial insurance rainy day fund, the juvenile accountability
2 incentive account, the law enforcement officers' and firefighters' plan
3 2 expense fund, the local tourism promotion account, the multiagency
4 permitting team account, the pilotage account, the produce railcar pool
5 account, the regional transportation investment district account, the
6 rural rehabilitation account, the stadium and exhibition center
7 account, the youth athletic facility account, the self-insurance
8 revolving fund, the sulfur dioxide abatement account, the children's
9 trust fund, the Washington horse racing commission Washington bred
10 owners' bonus fund and breeder awards account, the Washington horse
11 racing commission class C purse fund account, the individual
12 development account program account, the Washington horse racing
13 commission operating account (earnings from the Washington horse racing
14 commission operating account must be credited to the Washington horse
15 racing commission class C purse fund account), the life sciences
16 discovery fund, the Washington state heritage center account, the
17 reduced cigarette ignition propensity account, and the reading
18 achievement account.

19 (c) The following accounts and funds must receive eighty percent of
20 their proportionate share of earnings based upon each account's or
21 fund's average daily balance for the period: The advanced right-of-way
22 revolving fund, the advanced environmental mitigation revolving
23 account, the federal narcotics asset forfeitures account, the high
24 occupancy vehicle account, the local rail service assistance account,
25 and the miscellaneous transportation programs account.

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

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

36 **Sec. 9.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.

1 c 7 § 22, 2011 c 369 § 6, 2011 c 339 § 1, 2011 c 311 § 9, 2011 c 272 §
2 3, 2011 c 120 § 3, and 2011 c 83 § 7 are each reenacted and amended to
3 read as follows:

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

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

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

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

34 (a) The following accounts and funds shall receive their
35 proportionate share of earnings based upon each account's and fund's
36 average daily balance for the period: The aeronautics account, the
37 aircraft search and rescue account, the budget stabilization account,
38 the capital vessel replacement account, the capitol building

1 construction account, the Cedar River channel construction and
2 operation account, the Central Washington University capital projects
3 account, the charitable, educational, penal and reformatory
4 institutions account, the cleanup settlement account, the Columbia
5 river basin water supply development account, the Columbia river basin
6 taxable bond water supply development account, the Columbia river basin
7 water supply revenue recovery account, the common school construction
8 fund, the county arterial preservation account, the county criminal
9 justice assistance account, the county sales and use tax equalization
10 account, the deferred compensation administrative account, the deferred
11 compensation principal account, the department of licensing services
12 account, the department of retirement systems expense account, the
13 developmental disabilities community trust account, the drinking water
14 assistance account, the drinking water assistance administrative
15 account, the drinking water assistance repayment account, the Eastern
16 Washington University capital projects account, the Interstate 405
17 express toll lanes operations account, the education construction fund,
18 the education legacy trust account, the election account, the energy
19 freedom account, the energy recovery act account, the essential rail
20 assistance account, The Evergreen State College capital projects
21 account, the federal forest revolving account, the ferry bond
22 retirement fund, the freight congestion relief account, the freight
23 mobility investment account, the freight mobility multimodal account,
24 the grade crossing protective fund, the public health services account,
25 the health system capacity account, the high capacity transportation
26 account, the state higher education construction account, the higher
27 education construction account, the highway bond retirement fund, the
28 highway infrastructure account, the highway safety account, the high
29 occupancy toll lanes operations account, the hospital safety net
30 assessment fund, the industrial insurance premium refund account, the
31 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 marine resources stewardship trust
35 account, the medical aid account, the mobile home park relocation fund,
36 the motor vehicle fund, the motorcycle safety education account, (~~the~~
37 ~~multiagency permitting team account,~~) the multimodal transportation
38 account, the municipal criminal justice assistance account, the

1 municipal sales and use tax equalization account, the natural resources
2 deposit account, the oyster reserve land account, the pension funding
3 stabilization account, the perpetual surveillance and maintenance
4 account, the public employees' retirement system plan 1 account, the
5 public employees' retirement system combined plan 2 and plan 3 account,
6 the public facilities construction loan revolving account beginning
7 July 1, 2004, the public health supplemental account, the public
8 transportation systems account, the public works assistance account,
9 the Puget Sound capital construction account, the Puget Sound ferry
10 operations account, the Puyallup tribal settlement account, the real
11 estate appraiser commission account, the recreational vehicle account,
12 the regional mobility grant program account, the resource management
13 cost account, the rural arterial trust account, the rural mobility
14 grant program account, the rural Washington loan fund, the site closure
15 account, the skilled nursing facility safety net trust fund, the small
16 city pavement and sidewalk account, the special category C account, the
17 special wildlife account, the state employees' insurance account, the
18 state employees' insurance reserve account, the state investment board
19 expense account, the state investment board commingled trust fund
20 accounts, the state patrol highway account, the state route number 520
21 civil penalties account, the state route number 520 corridor account,
22 the state wildlife account, the supplemental pension account, the
23 Tacoma Narrows toll bridge account, the teachers' retirement system
24 plan 1 account, the teachers' retirement system combined plan 2 and
25 plan 3 account, the tobacco prevention and control account, the tobacco
26 settlement account, the transportation 2003 account (nickel account),
27 the transportation equipment fund, the transportation fund, the
28 transportation improvement account, the transportation improvement
29 board bond retirement account, the transportation infrastructure
30 account, the transportation partnership account, the traumatic brain
31 injury account, the tuition recovery trust fund, the University of
32 Washington bond retirement fund, the University of Washington building
33 account, the volunteer firefighters' and reserve officers' relief and
34 pension principal fund, the volunteer firefighters' and reserve
35 officers' administrative fund, the Washington judicial retirement
36 system account, the Washington law enforcement officers' and
37 firefighters' system plan 1 retirement account, the Washington law
38 enforcement officers' and firefighters' system plan 2 retirement

1 account, the Washington public safety employees' plan 2 retirement
2 account, the Washington school employees' retirement system combined
3 plan 2 and 3 account, the Washington state economic development
4 commission account, the Washington state health insurance pool account,
5 the Washington state patrol retirement account, the Washington State
6 University building account, the Washington State University bond
7 retirement fund, the water pollution control revolving fund, and the
8 Western Washington University capital projects account. Earnings
9 derived from investing balances of the agricultural permanent fund, the
10 normal school permanent fund, the permanent common school fund, the
11 scientific permanent fund, and the state university permanent fund
12 shall be allocated to their respective beneficiary accounts.

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

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

22 NEW SECTION. **Sec. 10.** This act may be known and cited as the
23 economic recovery through permitting efficiency act.

24 NEW SECTION. **Sec. 11.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

32 NEW SECTION. **Sec. 13.** This act expires July 1, 2015.

1 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2012, in the omnibus appropriations act, this act
4 is null and void.

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