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SENATE BILL 6023

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State of Washington

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By Senators Swecker, Prentice, Benton, Pridemore, Schoesler, Haugen, Kilmer, Chase, Hill, Holmquist Newbry, Becker, Ranker, Ericksen, Shin, and Frockt

Read first time 01/09/12. Referred to Committee on Economic Development, Trade & Innovation.

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; and declaring an emergency.

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

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

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

1 (3) The legislature therefore creates the permit efficiency and  
2 accountability committee to:

3 (a) Select priority economic recovery projects;

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

8 (c) Monitor the progress of multiagency permitting teams in  
9 completing their tasks.

10 (4) In addition, the legislature intends to facilitate cost-  
11 reimbursement agreements to enable multiagency permitting teams to  
12 complete their tasks.

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

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17 (1) "Director" means the director of the office of regulatory  
18 assistance.

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

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

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

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

35 ((+5)) (6) "Permit" means any permit, license, certificate, use  
36 authorization, or other form of governmental review or approval

1 required in order to construct, expand, or operate a project in the  
2 state of Washington.

3 ~~((+6))~~ (7) "Permit agency" means any state, local, or federal  
4 agency authorized by law to issue permits.

5 ~~((+7))~~ (8)(a) "Priority economic recovery project" means a project  
6 that is:

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

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

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

15 ~~((+8))~~ (10) "Project proponent" means a citizen, business, or any  
16 entity applying for or seeking a permit or permits in the state of  
17 Washington.

18 ~~((+9))~~ (11) "Project scoping" means the identification of relevant  
19 issues and information needs of a project proponent and the permitting  
20 agencies, and reaching a common understanding regarding the process,  
21 timing, and sequencing for obtaining applicable permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) One member representing statewide environmental organizations.

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

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

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

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

19 (d) One member representing the United States environmental  
20 protection agency;

21 (e) One member representing the national oceanic and atmospheric  
22 administration;

23 (f) One member representing the United States army corps of  
24 engineers; and

25 (g) One member representing the United States fish and wildlife  
26 service.

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

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

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

37 (1) The committee may:

1 (a) Select, by resolution approved by two-thirds of the voting  
2 members of the committee, priority economic recovery projects, as  
3 provided in subsection (2) of this section;

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

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

11 (2) The committee may select up to two priority economic recovery  
12 projects prior to July 31, 2012, and subsequently select additional  
13 priority economic recovery projects, based upon the resources of  
14 project proponents and permit agencies.

15 (3) Multiagency permitting teams assigned to provide coordinated  
16 permitting and integrated regulatory decision making for priority  
17 economic recovery projects must:

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

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

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

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

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

28 (1) The office may enter into cost-reimbursement agreements with a  
29 project proponent to recover from the project proponent the reasonable  
30 costs incurred by the office in carrying out the provisions of ((RCW  
31 43.42.050, 43.42.060, 43.42.090, and 43.42.092)) this chapter. The  
32 agreement must include the permit agencies that are participating in  
33 the cost-reimbursement project and carrying out permit processing or  
34 project review tasks referenced in the cost-reimbursement agreement.

35 (2) The office must maintain policies or guidelines for  
36 coordinating cost-reimbursement agreements with participating agencies,  
37 project proponents, and ((outside)) independent consultants. Policies

1 or guidelines must ensure that, in developing cost-reimbursement  
2 agreements, conflicts of interest are eliminated. (~~Contracts with~~  
3 ~~independent consultants hired by the office under this section must be~~  
4 ~~based on competitive bids that are awarded for each agreement from a~~  
5 ~~prequalified consultant roster.))~~

6 (3) For fully coordinated permit processes and priority economic  
7 recovery projects selected pursuant to section 4 of this act, the  
8 office must coordinate the negotiation of all cost-reimbursement  
9 agreements executed under RCW 43.21A.690, 43.30.490, 43.70.630,  
10 43.300.080, and 70.94.085. The office, project proponent, and ~~((the))~~  
11 participating permit agencies must be signatories to the cost-  
12 reimbursement agreement or agreements. Each participating permit  
13 agency must manage performance of its portion of the cost-reimbursement  
14 agreement. Independent consultants hired under a cost-reimbursement  
15 agreement ~~((shall))~~ must report directly to the hiring office or  
16 participating permit agency. Any cost-reimbursement agreement must  
17 require that final decisions are made by the participating permit  
18 agency and not by a hired independent consultant.

19 (4) For ~~((a fully coordinated project using cost reimbursement, the~~  
20 ~~office and participating permit agencies must include a cost-~~  
21 ~~reimbursement work plan, including deliverables and schedules for~~  
22 ~~invoicing and reimbursement in the fully coordinated project work plan~~  
23 ~~described in RCW 43.42.060. Upon request, the office must verify that~~  
24 ~~the agencies have met the obligations contained in the cost-~~  
25 ~~reimbursement work plan and agreement. The cost reimbursement~~  
26 ~~agreement must identify the tasks of each agency and the maximum costs~~  
27 ~~for work conducted under the agreement. The agreement must include a~~  
28 ~~schedule that states:~~

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

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

32 ~~(c) The estimated number of weeks for review of subsequent revision~~  
33 ~~submittals;~~

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

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

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

37 (5) If a permit agency or the project proponent foresees, at any  
38 time, that it will be unable to meet its obligations under the cost-

1 reimbursement agreement and fully coordinated project work plan, it  
2 must notify the office and state the reasons, along with proposals for  
3 resolving the problems and potentially amending the timelines. The  
4 office must notify the participating permit agencies and the project  
5 proponent and, upon agreement of all parties, adjust the schedule, or,  
6 if necessary, coordinate revision of the cost reimbursement agreement  
7 and fully coordinated project work plan)) any project using cost  
8 reimbursement, the cost-reimbursement agreement must require the office  
9 and participating permit agencies to develop and periodically update a  
10 project work plan, which the office must provide on the internet and  
11 share with each party to the agreement.

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

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

23 (c) The cost-reimbursement agreement may include deliverables and  
24 schedules for invoicing and reimbursement. The office may require  
25 advance payment of some or all of the agreed reimbursement, to be held  
26 in reserve and distributed to participating permit agencies and the  
27 office upon submittal of invoices to the project proponent. The  
28 project proponent has thirty days to request additional information or  
29 challenge an invoice for advance payment. A decision on such a  
30 challenge must be made by the director of the office of financial  
31 management and is binding on the parties.

32 (d) Upon request, the office must verify that participating permit  
33 agencies have met the obligations contained in the project work plan  
34 and cost-reimbursement agreement.

35 (6) If a party to the cost-reimbursement agreement foresees, at any  
36 time, that it will be unable to meet its obligations under the  
37 agreement, it must notify the office and state the reasons, along with  
38 proposals for resolving the problems. The office must notify the other

1 parties to the cost-reimbursement agreement and seek to resolve the  
2 problems by adjusting invoices, deliverables, or the project work plan,  
3 or through some other accommodation.

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

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

10 (b) New expenses associated with operating the optional multiagency  
11 permitting teams must be recovered by the office of regulatory  
12 assistance using existing state cost-reimbursement and interagency  
13 cost-sharing authorities as applicable. The cost-reimbursement process  
14 is subject to the requirements and limitations set forth in RCW  
15 43.42.070. ~~((Initial))~~ Staffing, consultant, technology, and other  
16 administrative costs and other costs that may ~~((not be recoverable~~  
17 ~~through cost-reimbursement or cost-sharing mechanisms))~~ arise may be  
18 covered by funds from the multiagency permitting team account created  
19 in RCW 43.42.095.

20 (c) The director of the office of regulatory assistance must  
21 solicit donations and such other funds as the director deems  
22 appropriate from public and private sources ~~((for the purposes of~~  
23 ~~covering))~~ to cover the initial administrative costs and other costs  
24 associated with operation of optional multiagency permitting teams  
25 ~~((which))~~ that are not recoverable through cost-reimbursement  
26 agreements or cost-sharing mechanisms. All such solicited funds must  
27 be placed in the multiagency permitting team account created in RCW  
28 43.42.095.

29 (2) Optional multiagency permitting teams must be:

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

32 (b) Located initially in central Puget Sound;

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



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

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

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

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

12 (iv) Developing and executing funding agreements with applicants,  
13 project proponents, regulatory agencies, and others as necessary to  
14 ensure the financial viability of the optional multiagency permitting  
15 teams;

16 (v) Measuring and regularly reporting on team performance, results  
17 and outcomes achieved, including improved: Permitting predictability,  
18 interagency early project coordination, interagency accessibility,  
19 interagency relationships, project delivery, and environmental results,  
20 including the avoidance or prevention of environmental harm and the  
21 effectiveness of mitigation;

22 (vi) Conducting outreach, marketing, and advertising of team  
23 services and team availability, focusing initially on projects such as  
24 large-scale public, private, and port development projects with complex  
25 aquatics, wetland, or other environmental impacts; environmental  
26 cleanup, restoration, and enhancement projects; aquaculture projects;  
27 and energy, power generation, and utility projects;

28 (vii) Implementing issue and dispute resolution protocols;

29 (viii) Incorporating and using virtual tools for online  
30 collaboration to support permitting and regulatory coordination and  
31 expedited decision making; and

32 (ix) Extending and subsequently implementing the optional  
33 multiagency permitting team approach to other significant geographic  
34 regions of the state.

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

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

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

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

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

18 (4) Local and federal permitting and regulatory personnel should be  
19 incorporated into the optional multiagency permitting teams whenever  
20 possible and at least on a project-by-project basis. Moneys recouped  
21 through state cost-reimbursement and interagency cost-sharing  
22 authorities, or as otherwise solicited for deposit into the multiagency  
23 permitting team account created in RCW 43.42.095, may also be used to  
24 cover local and federal participation.

25 (5) The optional multiagency permitting teams will provide services  
26 for complex projects requiring multiple permits and regulatory  
27 approvals and having multiple points of regulatory jurisdiction. The  
28 optional multiagency permitting teams are not intended to support state  
29 transportation projects capable of being serviced by multiagency  
30 permitting teams specifically established for state transportation  
31 projects. Use of the optional multiagency permitting teams for a fully  
32 coordinated permit process must be allowed unless the office of  
33 regulatory assistance notifies a project proponent in writing of other  
34 means of effective and efficient project review that are available and  
35 are recommended.

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

1       The multiagency permitting team account is created in the custody  
2 of the state ((treasury)) treasurer. All receipts from cost-  
3 reimbursement agreements authorized in RCW 43.42.070 and section 4 of  
4 this act and solicitations authorized in RCW 43.42.092 must be  
5 deposited into the account. (~~Moneys in the account may be spent only~~  
6 ~~after appropriation.~~) Expenditures from the account may be used only  
7 for covering (~~the initial~~) staffing, consultant, technology, and  
8 other administrative costs of multiagency permitting teams and (~~such~~)  
9 other costs associated with (~~the teams as may arise that are not~~  
10 ~~recoverable through cost reimbursement or cost sharing mechanisms~~)  
11 multiagency project review and management that may arise. Only the  
12 director of the office of regulatory assistance or the director's  
13 designee may authorize expenditures from the account. The account is  
14 subject to allotment procedures under chapter 43.88 RCW, but an  
15 appropriation is not required for expenditures.

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

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

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

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

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

1 (b) The following accounts and funds must receive their  
2 proportionate share of earnings based upon each account's or fund's  
3 average daily balance for the period: The Washington promise  
4 scholarship account, the college savings program account, the  
5 Washington advanced college tuition payment program account, the  
6 accessible communities account, the community and technical college  
7 innovation account, the agricultural local fund, the American Indian  
8 scholarship endowment fund, the foster care scholarship endowment fund,  
9 the foster care endowed scholarship trust fund, the students with  
10 dependents grant account, the basic health plan self-insurance reserve  
11 account, the contract harvesting revolving account, the Washington  
12 state combined fund drive account, the commemorative works account, the  
13 county enhanced 911 excise tax account, the Washington international  
14 exchange scholarship endowment fund, the toll collection account, the  
15 developmental disabilities endowment trust fund, the energy account,  
16 the fair fund, the family leave insurance account, the food animal  
17 veterinarian conditional scholarship account, the fruit and vegetable  
18 inspection account, the future teachers conditional scholarship  
19 account, the game farm alternative account, the GET ready for math and  
20 science scholarship account, the Washington global health technologies  
21 and product development account, the grain inspection revolving fund,  
22 the industrial insurance rainy day fund, the juvenile accountability  
23 incentive account, the law enforcement officers' and firefighters' plan  
24 2 expense fund, the local tourism promotion account, the multiagency  
25 permitting team account, the pilotage account, the produce railcar pool  
26 account, the regional transportation investment district account, the  
27 rural rehabilitation account, the stadium and exhibition center  
28 account, the youth athletic facility account, the self-insurance  
29 revolving fund, the sulfur dioxide abatement account, the children's  
30 trust fund, the Washington horse racing commission Washington bred  
31 owners' bonus fund and breeder awards account, the Washington horse  
32 racing commission class C purse fund account, the individual  
33 development account program account, the Washington horse racing  
34 commission operating account (earnings from the Washington horse racing  
35 commission operating account must be credited to the Washington horse  
36 racing commission class C purse fund account), the life sciences  
37 discovery fund, the Washington state heritage center account, the

1 reduced cigarette ignition propensity account, and the reading  
2 achievement account.

3 (c) The following accounts and funds must receive eighty percent of  
4 their proportionate share of earnings based upon each account's or  
5 fund's average daily balance for the period: The advanced right-of-way  
6 revolving fund, the advanced environmental mitigation revolving  
7 account, the federal narcotics asset forfeitures account, the high  
8 occupancy vehicle account, the local rail service assistance account,  
9 and the miscellaneous transportation programs account.

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

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

20 **Sec. 9.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.  
21 c 7 § 22, 2011 c 369 § 6, 2011 c 339 § 1, 2011 c 311 § 9, 2011 c 272 §  
22 3, 2011 c 120 § 3, and 2011 c 83 § 7 are each reenacted and amended to  
23 read as follows:

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

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

1 between accounts as deemed necessary to implement the provisions of the  
2 cash management improvement act, and this subsection. Refunds or  
3 allocations shall occur prior to the distributions of earnings set  
4 forth in subsection (4) of this section.

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

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

17 (a) The following accounts and funds shall receive their  
18 proportionate share of earnings based upon each account's and fund's  
19 average daily balance for the period: The aeronautics account, the  
20 aircraft search and rescue account, the budget stabilization account,  
21 the capital vessel replacement account, the capitol building  
22 construction account, the Cedar River channel construction and  
23 operation account, the Central Washington University capital projects  
24 account, the charitable, educational, penal and reformatory  
25 institutions account, the cleanup settlement account, the Columbia  
26 river basin water supply development account, the Columbia river basin  
27 taxable bond water supply development account, the Columbia river basin  
28 water supply revenue recovery account, the common school construction  
29 fund, the county arterial preservation account, the county criminal  
30 justice assistance account, the county sales and use tax equalization  
31 account, the deferred compensation administrative account, the deferred  
32 compensation principal account, the department of licensing services  
33 account, the department of retirement systems expense account, the  
34 developmental disabilities community trust account, the drinking water  
35 assistance account, the drinking water assistance administrative  
36 account, the drinking water assistance repayment account, the Eastern  
37 Washington University capital projects account, the Interstate 405  
38 express toll lanes operations account, the education construction fund,

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

1 state employees' insurance reserve account, the state investment board  
2 expense account, the state investment board commingled trust fund  
3 accounts, the state patrol highway account, the state route number 520  
4 civil penalties account, the state route number 520 corridor account,  
5 the state wildlife account, the supplemental pension account, the  
6 Tacoma Narrows toll bridge account, the teachers' retirement system  
7 plan 1 account, the teachers' retirement system combined plan 2 and  
8 plan 3 account, the tobacco prevention and control account, the tobacco  
9 settlement account, the transportation 2003 account (nickel account),  
10 the transportation equipment fund, the transportation fund, the  
11 transportation improvement account, the transportation improvement  
12 board bond retirement account, the transportation infrastructure  
13 account, the transportation partnership account, the traumatic brain  
14 injury account, the tuition recovery trust fund, the University of  
15 Washington bond retirement fund, the University of Washington building  
16 account, the volunteer firefighters' and reserve officers' relief and  
17 pension principal fund, the volunteer firefighters' and reserve  
18 officers' administrative fund, the Washington judicial retirement  
19 system account, the Washington law enforcement officers' and  
20 firefighters' system plan 1 retirement account, the Washington law  
21 enforcement officers' and firefighters' system plan 2 retirement  
22 account, the Washington public safety employees' plan 2 retirement  
23 account, the Washington school employees' retirement system combined  
24 plan 2 and 3 account, the Washington state economic development  
25 commission account, the Washington state health insurance pool account,  
26 the Washington state patrol retirement account, the Washington State  
27 University building account, the Washington State University bond  
28 retirement fund, the water pollution control revolving fund, and the  
29 Western Washington University capital projects account. Earnings  
30 derived from investing balances of the agricultural permanent fund, the  
31 normal school permanent fund, the permanent common school fund, the  
32 scientific permanent fund, and the state university permanent fund  
33 shall be allocated to their respective beneficiary accounts.

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



1 proportionate share of earnings based upon each account's or fund's  
2 average daily balance for the period.

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

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

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

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

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