

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1791

Chapter 353, Laws of 2005

59th Legislature
2005 Regular Session

DEVELOPMENTAL DISABILITIES COMMUNITY TRUST ACCOUNT

EFFECTIVE DATE: 5/10/05 - Except section 3, which becomes effective 7/01/05; and section 4, which becomes effective 7/01/06.

Passed by the House April 22, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 22, 2005
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 10, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1791** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2005 - 9:08 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1791

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Schual-Berke, Kenney, Hankins, Lovick, Morrell, Wood, Kagi, Simpson, McDonald, Eickmeyer, Appleton, O'Brien, Ormsby, DeBolt, Wallace, Upthegrove, Strow, Moeller, Jarrett, Kessler, Miloscia, Murray, Cody, Conway, McCune, Lantz, P. Sullivan, Tom, Ericks, Haigh, McDermott, Hasegawa and Linville)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to the developmental disabilities community trust
2 account; amending RCW 43.84.092 and 72.01.140; reenacting and amending
3 RCW 43.84.092 and 43.84.092; adding a new section to chapter 71A.20
4 RCW; repealing RCW 28B.30.820 and 72.01.142; providing effective dates;
5 providing expiration dates; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.20 RCW
8 to read as follows:

9 (1) The developmental disabilities community trust account is
10 created in the state treasury. All proceeds from the use of excess
11 property identified in the 2002 joint legislative audit and review
12 committee capital study of the division of developmental disabilities
13 residential habilitation centers at Lakeland Village and Rainier school
14 that would not impact current residential habilitation center
15 operations must be deposited into the account. Income may come from
16 the lease of the land, conservation easements, sale of timber, or other
17 activities short of sale of the property. "Excess property" includes
18 that portion of the property at Rainier school previously under the
19 cognizance and control of Washington State University for use as a

1 dairy/forage research facility. "Proceeds" include the net receipts
2 from the use of all or a portion of the properties. Only investment
3 income from the principal of the proceeds deposited into the trust
4 account may be spent from the account. Moneys in the account may be
5 spent only after appropriation. Expenditures from the account shall be
6 used exclusively to provide family support and/or employment/day
7 services to eligible persons with developmental disabilities who can be
8 served by community-based developmental disability services. It is the
9 intent of the legislature that the account should not be used to
10 replace, supplant, or reduce existing appropriations.

11 (2) The department shall report on its efforts and strategies to
12 provide income to the developmental disabilities community trust
13 account from the excess property identified in subsection (1) of this
14 section from the lease of the property, sale of timber, or other
15 activity short of sale of the property. The department shall report by
16 June 30, 2006.

17 (3) The account shall be known as the Dan Thompson memorial
18 developmental disabilities community trust account.

19 **Sec. 2.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
20 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

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

1 allocations shall occur prior to the distributions of earnings set
2 forth in subsection (4) of this section.

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

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

15 (a) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's and fund's
17 average daily balance for the period: The capitol building
18 construction account, the Cedar River channel construction and
19 operation account, the Central Washington University capital projects
20 account, the charitable, educational, penal and reformatory
21 institutions account, the common school construction fund, the county
22 criminal justice assistance account, the county sales and use tax
23 equalization account, the data processing building construction
24 account, the deferred compensation administrative account, the deferred
25 compensation principal account, the department of retirement systems
26 expense account, the developmental disabilities community trust
27 account, the drinking water assistance account, the drinking water
28 assistance administrative account, the drinking water assistance
29 repayment account, the Eastern Washington University capital projects
30 account, the education construction fund, the election account, the
31 emergency reserve fund, The Evergreen State College capital projects
32 account, the federal forest revolving account, the health services
33 account, the public health services account, the health system capacity
34 account, the personal health services account, the state higher
35 education construction account, the higher education construction
36 account, the highway infrastructure account, the industrial insurance
37 premium refund account, the judges' retirement account, the judicial
38 retirement administrative account, the judicial retirement principal

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

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

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

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

26 **Sec. 3.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
27 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
28 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 capitol building
25 construction account, the Cedar River channel construction and
26 operation account, the Central Washington University capital projects
27 account, the charitable, educational, penal and reformatory
28 institutions account, the common school construction fund, the county
29 criminal justice assistance account, the county sales and use tax
30 equalization account, the data processing building construction
31 account, the deferred compensation administrative account, the deferred
32 compensation principal account, the department of retirement systems
33 expense account, the developmental disabilities community trust
34 account, the drinking water assistance account, the drinking water
35 assistance administrative account, the drinking water assistance
36 repayment account, the Eastern Washington University capital projects
37 account, the education construction fund, the election account, the
38 emergency reserve fund, The Evergreen State College capital projects

1 account, the federal forest revolving account, the health services
2 account, the public health services account, the health system capacity
3 account, the personal health services account, the state higher
4 education construction account, the higher education construction
5 account, the highway infrastructure account, the industrial insurance
6 premium refund account, the judges' retirement account, the judicial
7 retirement administrative account, the judicial retirement principal
8 account, the local leasehold excise tax account, the local real estate
9 excise tax account, the local sales and use tax account, the medical
10 aid account, the mobile home park relocation fund, the multimodal
11 transportation account, the municipal criminal justice assistance
12 account, the municipal sales and use tax equalization account, the
13 natural resources deposit account, the oyster reserve land account, the
14 perpetual surveillance and maintenance account, the public employees'
15 retirement system plan 1 account, the public employees' retirement
16 system combined plan 2 and plan 3 account, the public facilities
17 construction loan revolving account beginning July 1, 2004, the public
18 health supplemental account, the public works assistance account, the
19 Puyallup tribal settlement account, the regional transportation
20 investment district account, the resource management cost account, the
21 site closure account, the special wildlife account, the state
22 employees' insurance account, the state employees' insurance reserve
23 account, the state investment board expense account, the state
24 investment board commingled trust fund accounts, the supplemental
25 pension account, the Tacoma Narrows toll bridge account, the teachers'
26 retirement system plan 1 account, the teachers' retirement system
27 combined plan 2 and plan 3 account, the tobacco prevention and control
28 account, the tobacco settlement account, the transportation
29 infrastructure account, the tuition recovery trust fund, the University
30 of Washington bond retirement fund, the University of Washington
31 building account, the volunteer fire fighters' and reserve officers'
32 relief and pension principal fund, the volunteer fire fighters' and
33 reserve officers' administrative fund, the Washington fruit express
34 account, the Washington judicial retirement system account, the
35 Washington law enforcement officers' and fire fighters' system plan 1
36 retirement account, the Washington law enforcement officers' and fire
37 fighters' system plan 2 retirement account, the Washington school
38 employees' retirement system combined plan 2 and 3 account, the

1 Washington state health insurance pool account, the Washington state
2 patrol retirement account, the Washington State University building
3 account, the Washington State University bond retirement fund, the
4 water pollution control revolving fund, and the Western Washington
5 University capital projects account. Earnings derived from investing
6 balances of the agricultural permanent fund, the normal school
7 permanent fund, the permanent common school fund, the scientific
8 permanent fund, and the state university permanent fund shall be
9 allocated to their respective beneficiary accounts. All earnings to be
10 distributed under this subsection (4)(a) shall first be reduced by the
11 allocation to the state treasurer's service fund pursuant to RCW
12 43.08.190.

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

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

34 **Sec. 4.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to read
35 as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which
2 account is hereby established in the state treasury.

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

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

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the treasury
29 income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and fund's
32 average daily balance for the period: The capitol building
33 construction account, the Cedar River channel construction and
34 operation account, the Central Washington University capital projects
35 account, the charitable, educational, penal and reformatory
36 institutions account, the common school construction fund, the county
37 criminal justice assistance account, the county sales and use tax
38 equalization account, the data processing building construction

1 account, the deferred compensation administrative account, the deferred
2 compensation principal account, the department of retirement systems
3 expense account, the developmental disabilities community trust
4 account, the drinking water assistance account, the drinking water
5 assistance administrative account, the drinking water assistance
6 repayment account, the Eastern Washington University capital projects
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8 emergency reserve fund, The Evergreen State College capital projects
9 account, the federal forest revolving account, the health services
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11 account, the personal health services account, the state higher
12 education construction account, the higher education construction
13 account, the highway infrastructure account, the industrial insurance
14 premium refund account, the judges' retirement account, the judicial
15 retirement administrative account, the judicial retirement principal
16 account, the local leasehold excise tax account, the local real estate
17 excise tax account, the local sales and use tax account, the medical
18 aid account, the mobile home park relocation fund, the multimodal
19 transportation account, the municipal criminal justice assistance
20 account, the municipal sales and use tax equalization account, the
21 natural resources deposit account, the oyster reserve land account, the
22 perpetual surveillance and maintenance account, the public employees'
23 retirement system plan 1 account, the public employees' retirement
24 system combined plan 2 and plan 3 account, the public facilities
25 construction loan revolving account beginning July 1, 2004, the public
26 health supplemental account, the public works assistance account, the
27 Puyallup tribal settlement account, the regional transportation
28 investment district account, the resource management cost account, the
29 site closure account, the special wildlife account, the state
30 employees' insurance account, the state employees' insurance reserve
31 account, the state investment board expense account, the state
32 investment board commingled trust fund accounts, the supplemental
33 pension account, the Tacoma Narrows toll bridge account, the teachers'
34 retirement system plan 1 account, the teachers' retirement system
35 combined plan 2 and plan 3 account, the tobacco prevention and control
36 account, the tobacco settlement account, the transportation
37 infrastructure account, the tuition recovery trust fund, the University
38 of Washington bond retirement fund, the University of Washington

1 building account, the volunteer fire fighters' and reserve officers'
2 relief and pension principal fund, the volunteer fire fighters' and
3 reserve officers' administrative fund, the Washington fruit express
4 account, the Washington judicial retirement system account, the
5 Washington law enforcement officers' and fire fighters' system plan 1
6 retirement account, the Washington law enforcement officers' and fire
7 fighters' system plan 2 retirement account, the Washington public
8 safety employees' plan 2 retirement account, the Washington school
9 employees' retirement system combined plan 2 and 3 account, the
10 Washington state health insurance pool account, the Washington state
11 patrol retirement account, the Washington State University building
12 account, the Washington State University bond retirement fund, the
13 water pollution control revolving fund, and the Western Washington
14 University capital projects account. Earnings derived from investing
15 balances of the agricultural permanent fund, the normal school
16 permanent fund, the permanent common school fund, the scientific
17 permanent fund, and the state university permanent fund shall be
18 allocated to their respective beneficiary accounts. All earnings to be
19 distributed under this subsection (4)(a) shall first be reduced by the
20 allocation to the state treasurer's service fund pursuant to RCW
21 43.08.190.

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

1 transportation improvement board bond retirement account, and the urban
2 arterial trust account.

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 **Sec. 5.** RCW 72.01.140 and 1981 c 238 s 1 are each amended to read
7 as follows:

8 The secretary shall:

9 (1) Make a survey, investigation, and classification of the lands
10 connected with the state institutions under his control, and determine
11 which thereof are of such character as to be most profitably used for
12 agricultural, horticultural, dairying, and stock raising purposes,
13 taking into consideration the costs of making them ready for
14 cultivation, the character of the soil, its depth and fertility, the
15 number of kinds of crops to which it is adapted, the local climatic
16 conditions, the local annual rainfall, the water supply upon the land
17 or available, the needs of all state institutions for the food products
18 that can be grown or produced, and the amount and character of the
19 available labor of inmates at the several institutions;

20 (2) Establish and carry on suitable farming operations at the
21 several institutions under his control;

22 (3) Supply the several institutions with the necessary food
23 products produced thereat;

24 (4) Exchange with, or furnish to, other institutions, food products
25 at the cost of production;

26 (5) Sell and dispose of surplus food products produced.

27 (~~This section shall not apply to the Rainier school for which
28 cognizance of farming operations has been transferred to Washington
29 State University by RCW 72.01.142.~~)

30 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
31 repealed:

32 (1) RCW 28B.30.820 (Dairy/forage and agricultural research
33 facility--Transfer of property and facilities for) and 1981 c 238 s 3;
34 and

35 (2) RCW 72.01.142 (Transfer of dairy operation from Rainier school)
36 and 1981 c 238 s 2.

1 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately, except for section 3 of this act which takes effect July
5 1, 2005, and section 4 of this act which takes effect July 1, 2006.

6 NEW SECTION. **Sec. 8.** (1) Section 2 of this act expires July 1,
7 2005.

8 (2) Section 3 of this act expires July 1, 2006.

Passed by the House April 22, 2005.

Passed by the Senate April 22, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.