

2SSB 6187 - H COMM AMD
By Committee on Environment

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends for the pollution
4 liability insurance agency to establish a revolving loan and grant
5 program to assist owners and operators of petroleum underground
6 storage tank systems to: (1) Remediate past releases; (2) upgrade,
7 replace, or remove petroleum underground storage tank systems to
8 prevent future releases; and (3) install new infrastructure or
9 retrofit existing infrastructure for dispensing renewable or
10 alternative energy.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires
13 otherwise.

14 (1) "Agency" means the Washington state pollution liability
15 insurance agency.

16 (2) "Local government" means any political subdivision of the
17 state, including a town, city, county, special purpose district, or
18 other municipal corporation.

19 (3) "Operator" means any person in control of, or having
20 responsibility for, the daily operation of a petroleum underground
21 storage tank system.

22 (4) "Owner" means any person who owns a petroleum underground
23 storage tank system.

24 (5) "Petroleum underground storage tank system" means an
25 underground storage tank system regulated under chapter 90.76 RCW or
26 subtitle I of the solid waste disposal act (42 U.S.C. Chapter 82,
27 Subchapter IX) that is used for storing petroleum.

28 (6) "Release" has the same meaning as defined in RCW 70.105D.020.

29 (7) "Remedial action" has the same meaning as defined in RCW
30 70.105D.020.

1 (8) "Underground storage tank facility" means the location where
2 one or more underground storage tank systems are installed. A
3 facility encompasses all contiguous real property under common
4 ownership associated with the operation of the underground storage
5 tank system or systems.

6 (9) "Underground storage tank system" means an underground
7 storage tank, connected underground piping, underground ancillary
8 equipment, and containment system, if any, and includes any
9 aboveground ancillary equipment connected to the underground storage
10 tank or piping, such as dispensers.

11 NEW SECTION. **Sec. 3.** (1) The agency shall establish an
12 underground storage tank revolving loan and grant program to provide
13 loans or grants to owners or operators to:

14 (a) Conduct remedial actions in accordance with chapter 70.105D
15 RCW, including investigations and cleanups of any release or
16 threatened release of a hazardous substance at or affecting an
17 underground storage tank facility, provided that at least one of the
18 releases or threatened releases involves petroleum;

19 (b) Upgrade, replace, or permanently close a petroleum
20 underground storage tank system in accordance with chapter 90.76 RCW
21 or subtitle I of the solid waste disposal act (42 U.S.C., chapter 82,
22 subchapter IX), as applicable;

23 (c) Install new infrastructure or retrofit existing
24 infrastructure at an underground storage tank facility for dispensing
25 renewable or alternative energy for motor vehicles, including
26 electric vehicle charging stations, when conducted in conjunction
27 with either (a) or (b) of this subsection; or

28 (d) Install and subsequently remove a temporary petroleum
29 aboveground storage tank system in compliance with applicable laws,
30 when conducted in conjunction with either (a) or (b) of this
31 subsection.

32 (2) The maximum amount that may be loaned or granted under this
33 program to an owner or operator for a single underground storage tank
34 facility is two million dollars.

35 NEW SECTION. **Sec. 4.** (1) A recipient of a loan or grant may not
36 use these funds to conduct remedial actions of a release or
37 threatened release from a petroleum underground storage tank system
38 requiring financial assurances under chapter 90.76 RCW or subtitle I

1 of the solid waste disposal act (42 U.S.C., chapter 82, subchapter
2 IX) unless the owner or operator:

3 (a) Agrees to first expend all moneys available under the
4 required financial assurances;

5 (b) Demonstrates that all moneys available under the required
6 financial assurances have been expended; or

7 (c) Demonstrates that a claim has been made under the required
8 financial assurances and the claim has been rejected by the provider.

9 (2) A recipient must use a loan or grant for a project that
10 develops and acquires assets that have a useful life of at least
11 thirteen years.

12 NEW SECTION. **Sec. 5.** The agency shall partner and enter into a
13 memorandum of agreement with the department of health to implement
14 the revolving loan and grant program.

15 (1) The agency shall select loan and grant recipients and manage
16 the work conducted under section 3(1) of this act.

17 (2) The department of health shall administer the loans and
18 grants to qualified recipients as determined by the agency.

19 (3) The department of health may collect, from persons requesting
20 financial assistance, loan origination fees to cover costs incurred
21 by the department of health in operating the financial assistance
22 program.

23 (4) The agency may use the moneys in the pollution liability
24 insurance agency underground storage tank revolving account to fund
25 the department of health's operating costs for the program.

26 NEW SECTION. **Sec. 6.** (1) The agency may conduct remedial
27 actions and investigate or clean up a release or threatened release
28 of a hazardous substance at or affecting an underground storage tank
29 facility if the following conditions are met:

30 (a) The owner or operator received a loan or grant for the
31 underground storage tank facility under the revolving program created
32 in this chapter for two million dollars or less;

33 (b) The remedial actions are conducted in accordance with the
34 rules adopted under chapter 70.105D RCW;

35 (c) The owner of real property subject to the remedial actions
36 provides consent for the agency to:

37 (i) Recover the remedial action costs from the owner; and

1 (ii) Enter upon the real property to conduct remedial actions
2 limited to those authorized by the owner or operator. Remedial
3 actions must be focused on maintaining the economic vitality of the
4 property. The agency or the agency's authorized representatives shall
5 give reasonable notice before entering property unless an emergency
6 prevents the notice; and

7 (d) The owner of the underground storage tank facility consents
8 to the agency filing a lien on the underground storage tank facility
9 to recover the agency's remedial action costs.

10 (2) The agency may conduct the remedial actions authorized under
11 subsection (1) of this section using the moneys in the pollution
12 liability insurance agency underground storage tank revolving
13 account, as required under section 5 of this act. However, for any
14 remedial action where the owner or operator has received a loan or
15 grant, the agency may not expend more than the difference between the
16 amount loaned or granted and two million dollars.

17 (3) The agency may request informal advice and assistance and
18 written opinions on the sufficiency of remedial actions from the
19 department of ecology under RCW 70.105D.030(1)(i).

20 NEW SECTION. **Sec. 7.** (1) The agency may file a lien against the
21 underground storage tank facility if the agency incurs remedial
22 action costs and those costs are unrecovered by the agency.

23 (a) A lien filed under this section may not exceed the remedial
24 action costs incurred by the agency.

25 (b) A lien filed under this section has priority in rank over all
26 other privileges, liens, monetary encumbrances, or other security
27 interests affecting the real property, whenever incurred, filed, or
28 recorded, except for local and special district property tax
29 assessments.

30 (2) Before filing a lien under this section, the agency shall
31 give notice of its intent to file a lien to the owner of the
32 underground storage tank facility on which the lien is to be filed,
33 mortgagees, and lien holders of record.

34 (a) The agency shall send the notice by certified mail to the
35 underground storage tank facility owner and mortgagees of record at
36 the addresses listed in the recorded documents. If the underground
37 storage tank facility owner is unknown or if a mailed notice is
38 returned as undeliverable, the agency shall provide notice by posting

1 a legal notice in the newspaper of largest circulation in the county
2 in which the site is located. The notice must provide:

3 (i) A statement of the purpose of the lien;

4 (ii) A brief description of the real property to be affected by
5 the lien; and

6 (iii) A statement of the remedial action costs incurred by the
7 agency.

8 (b) If the agency has reason to believe that exigent
9 circumstances require the filing of a lien prior to giving notice
10 under this subsection, the agency may file the lien immediately.
11 Exigent circumstances include, but are not limited to, an imminent
12 bankruptcy filing by the underground storage tank facility owner or
13 the imminent transfer or sale of the real property subject to lien by
14 the underground storage tank facility owner, or both.

15 (3) A lien filed under this section is effective when a statement
16 of lien is filed with the county auditor in the county where the
17 underground storage tank facility is located. The statement of lien
18 must include a description of the real property subject to lien and
19 the amount of the lien.

20 (4) Unless the agency determines it is in the public interest to
21 remove the lien, the lien continues until the liabilities for the
22 remedial action costs have been satisfied through sale of the real
23 property, foreclosure, or other means agreed to by the agency. Any
24 action for foreclosure of the lien must be brought by the attorney
25 general in a civil action in the court having jurisdiction and in the
26 manner prescribed for judicial foreclosure of a mortgage under
27 chapter 61.24 RCW.

28 (5) The agency may not file a lien under this section against an
29 underground storage tank facility owned by a local government.

30 NEW SECTION.

Sec. 8.

(1) The pollution liability insurance
31 agency underground storage tank revolving account is created in the
32 state treasury. All receipts from sources identified under subsection
33 (2) of this section must be deposited into the account. Moneys in the
34 account may be spent only after appropriation. Expenditures from the
35 account may be used only for items identified under subsection (3) of
36 this section.

37 (2) The following receipts must be deposited into the account:

38 (a) All moneys appropriated by the legislature to pay for the
39 agency's operating costs to carry out the purposes of this chapter;

1 (b) All moneys appropriated by the legislature to provide loans
2 and grants under section 3 of this act;

3 (c) Any repayment of loans provided under section 3 of this act;

4 (d) All moneys appropriated by the legislature to conduct
5 remedial actions under section 6 of this act;

6 (e) Any recovery of the costs of remedial actions conducted under
7 section 6 of this act;

8 (f) Any grants provided by the federal government to the agency
9 to achieve the purposes of this chapter; and

10 (g) Any other deposits made from a public or private entity to
11 achieve the purposes of this chapter.

12 (3) Moneys in the account may be used by the agency only to carry
13 out the purposes of this chapter including, but not limited to:

14 (a) The costs of the agency and department of health to carry out
15 the purposes of this chapter;

16 (b) Loans and grants under section 3 of this act;

17 (c) Remedial actions under section 6 of this act; and

18 (d) State match requirements for grants provided to the agency by
19 the federal government.

20 NEW SECTION. **Sec. 9.** By September 1st of each even-numbered
21 year, the agency must provide the office of financial management and
22 the appropriate legislative committees a report on the agency's
23 activities supported by expenditures from the pollution liability
24 insurance agency underground storage tank revolving account. The
25 report must at a minimum include:

26 (1) The amount of money the legislature appropriated from the
27 pollution liability insurance agency underground storage tank
28 revolving account under section 8 of this act during the last
29 biennium;

30 (2) For the previous biennium, the total number of loans and
31 grants, the amounts loaned or granted, sites cleaned up, petroleum
32 underground storage tank systems upgraded, replaced, or permanently
33 closed, and jobs preserved;

34 (3) For each loan and grant awarded during the previous biennium,
35 the name of the recipient, the location of the underground storage
36 tank facility, a description of the project and its status, the
37 amount loaned, and the amount repaid;

38 (4) For each underground storage tank facility where the agency
39 conducted remedial actions under section 6 of this act during the

1 previous biennium, the name and location of the site, the amount of
2 money used to conduct the remedial actions, the status of remedial
3 actions, whether liens were filed against the underground storage
4 tank facility under section 7 of this act, and the amount of money
5 recovered; and

6 (5) The operating costs of the agency and department of health to
7 carry out the purposes of this chapter during the last biennium.

8 NEW SECTION. **Sec. 10.** The agency must adopt rules under chapter
9 34.05 RCW necessary to carry out the provisions of this chapter. To
10 accelerate remedial actions, the agency shall enter into a memorandum
11 of agreement with the department of health under section 5 of this
12 act within one year of the effective date of this section. To ensure
13 the adoption of rules will not delay the award of a loan or grant,
14 the agency may implement the underground storage tank revolving
15 program through interpretative guidance pending adoption of rules.

16 NEW SECTION. **Sec. 11.** Officers, employees, and authorized
17 representatives of the agency and the department of health, and the
18 state of Washington are immune from civil liability and no cause of
19 action of any nature may arise from any act or omission in exercising
20 powers and duties under this chapter.

21 NEW SECTION. **Sec. 12.** Nothing in this chapter limits the
22 authority of the department of ecology under chapter 70.105D RCW.

23 NEW SECTION. **Sec. 13.** (1) Sections 1 through 12 of this act
24 expire July 1, 2030.

25 (2) The expiration of sections 1 through 12 of this act does not
26 terminate any of the following rights, obligations, authorities or
27 any provision necessary to carry out:

28 (a) The repayment of loans due and payable to the lender or the
29 state of Washington;

30 (b) The resolution of any cost recovery action or the initiation
31 of any action or other collection process to recover defaulted loan
32 moneys due to the state of Washington; and

33 (c) The resolution of any action or the initiation of any action
34 to recover the agency's remedial actions costs under section 7 of
35 this act.

1 (3) On July 1, 2030, the pollution liability insurance agency
2 underground storage tank revolving account and all moneys due that
3 account revert to, and accrue to the benefit of, the department of
4 health.

5 NEW SECTION. **Sec. 14.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 **Sec. 15.** RCW 70.148.020 and 2013 2nd sp.s. c 4 s 993 are each
10 amended to read as follows:

11 (1) The pollution liability insurance program trust account is
12 established in the custody of the state treasurer. All funds
13 appropriated for this chapter and all premiums collected for
14 reinsurance shall be deposited in the account. Except as provided in
15 chapter 70.--- RCW (the new chapter created in section 22 of this
16 act), expenditures from the account shall be used exclusively for the
17 purposes of this chapter including payment of costs of administering
18 the pollution liability insurance and underground storage tank
19 community assistance programs. Expenditures for payment of
20 administrative and operating costs of the agency are subject to the
21 allotment procedures under chapter 43.88 RCW and may be made only
22 after appropriation by statute. No appropriation is required for
23 other expenditures from the account.

24 (2) Each calendar quarter, the director shall report to the
25 insurance commissioner the loss and surplus reserves required for the
26 calendar quarter. The director shall notify the department of revenue
27 of this amount by the fifteenth day of each calendar quarter.

28 ~~(3) ((Each calendar quarter the director shall determine the~~
29 ~~amount of reserves necessary to fund commitments made to provide~~
30 ~~financial assistance under RCW 70.148.130 to the extent that the~~
31 ~~financial assistance reserves do not jeopardize the operations and~~
32 ~~liabilities of the pollution liability insurance program. The~~
33 ~~director shall notify the department of revenue of this amount by the~~
34 ~~fifteenth day of each calendar quarter. The director may immediately~~
35 ~~establish an initial financial assistance reserve of five million~~
36 ~~dollars from available revenues. The director may not expend more~~
37 ~~than fifteen million dollars for the financial assistance program.~~

1 ~~(4) During the 2013-2015 fiscal biennium, the legislature may~~
2 ~~transfer from the pollution liability insurance program trust account~~
3 ~~to the state general fund such amounts as reflect the excess fund~~
4 ~~balance of the account.~~

5 ~~(5))~~ This section expires July 1, ~~((2020))~~ 2030.

6 **Sec. 16.** RCW 70.148.900 and 2012 1st sp.s. c 3 s 2 are each
7 amended to read as follows:

8 This chapter expires July 1, ~~((2020))~~ 2030.

9 **Sec. 17.** RCW 70.149.900 and 2012 1st sp.s. c 3 s 3 are each
10 amended to read as follows:

11 This chapter expires July 1, ~~((2020))~~ 2030.

12 **Sec. 18.** RCW 82.23A.020 and 2012 1st sp.s. c 3 s 5 are each
13 amended to read as follows:

14 (1) A tax is imposed on the privilege of possession of petroleum
15 products in this state. The rate of the tax shall be thirty one-
16 hundredths of one percent multiplied by the wholesale value of the
17 petroleum product. After July 1, 2021, the rate of tax is fifteen
18 one-hundredths of one percent multiplied by the wholesale value of
19 the petroleum product. For purposes of determining the tax imposed
20 under this section for petroleum products introduced at the rack, the
21 wholesale value is determined when the petroleum product is removed
22 at the rack unless the removal is to an exporter licensed under
23 chapter ~~((82.36 or))~~ 82.38 RCW for direct delivery to a destination
24 outside of the state. For all other cases, the wholesale value is
25 determined upon the first nonbulk possession in the state.

26 (2) Except as identified in section 21 of this act, moneys
27 collected under this chapter shall be deposited in the pollution
28 liability insurance program trust account under RCW 70.148.020.

29 (3) Chapter 82.32 RCW applies to the tax imposed in this chapter.
30 The tax due dates, reporting periods, and return requirements
31 applicable to chapter 82.04 RCW apply equally to the tax imposed in
32 this chapter.

33 (4) Within thirty days after the end of each calendar quarter the
34 department shall determine the "quarterly balance," which shall be
35 the cash balance in the pollution liability insurance program trust
36 account as of the last day of that calendar quarter, after excluding
37 the reserves determined for that quarter under RCW 70.148.020(2)

1 ((and—(3))). Balance determinations by the department under this
2 section are final and shall not be used to challenge the validity of
3 any tax imposed under this section. For each subsequent calendar
4 quarter, tax shall be imposed under this section during the entire
5 calendar quarter unless:

6 (a) Tax was imposed under this section during the immediately
7 preceding calendar quarter, and the most recent quarterly balance is
8 more than fifteen million dollars; or

9 (b) Tax was not imposed under this section during the immediately
10 preceding calendar quarter, and the most recent quarterly balance is
11 more than seven million five hundred thousand dollars.

12 **Sec. 19.** RCW 82.23A.902 and 2012 1st sp.s. c 3 s 6 are each
13 amended to read as follows:

14 This chapter expires July 1, ((2020)) 2030, coinciding with the
15 expiration of chapter 70.148 RCW.

16 **Sec. 20.** RCW 43.84.092 and 2015 3rd sp.s. c 44 s 107 and 2015
17 3rd sp.s. c 12 s 3 are each reenacted and amended to read as follows:

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

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

37 (3) Except for the provisions of RCW 43.84.160, the treasury
38 income account may be utilized for the payment of purchased banking

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

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

12 (a) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's and fund's
14 average daily balance for the period: The aeronautics account, the
15 aircraft search and rescue account, the Alaskan Way viaduct
16 replacement project account, the brownfield redevelopment trust fund
17 account, the budget stabilization account, the capital vessel
18 replacement account, the capitol building construction account, the
19 Cedar River channel construction and operation account, the Central
20 Washington University capital projects account, the charitable,
21 educational, penal and reformatory institutions account, the cleanup
22 settlement account, the Columbia river basin water supply development
23 account, the Columbia river basin taxable bond water supply
24 development account, the Columbia river basin water supply revenue
25 recovery account, the common school construction fund, the community
26 forest trust account, the connecting Washington account, the county
27 arterial preservation account, the county criminal justice assistance
28 account, the deferred compensation administrative account, the
29 deferred compensation principal account, the department of licensing
30 services account, the department of retirement systems expense
31 account, the developmental disabilities community trust account, the
32 diesel idle reduction account, the drinking water assistance account,
33 the drinking water assistance administrative account, the drinking
34 water assistance repayment account, the Eastern Washington University
35 capital projects account, the Interstate 405 express toll lanes
36 operations account, the education construction fund, the education
37 legacy trust account, the election account, the electric vehicle
38 charging infrastructure account, the energy freedom account, the
39 energy recovery act account, the essential rail assistance account,
40 The Evergreen State College capital projects account, the federal

1 forest revolving account, the ferry bond retirement fund, the freight
2 mobility investment account, the freight mobility multimodal account,
3 the grade crossing protective fund, the public health services
4 account, the high capacity transportation account, the state higher
5 education construction account, the higher education construction
6 account, the highway bond retirement fund, the highway infrastructure
7 account, the highway safety fund, the high occupancy toll lanes
8 operations account, the hospital safety net assessment fund, the
9 industrial insurance premium refund account, the judges' retirement
10 account, the judicial retirement administrative account, the judicial
11 retirement principal account, the local leasehold excise tax account,
12 the local real estate excise tax account, the local sales and use tax
13 account, the marine resources stewardship trust account, the medical
14 aid account, the mobile home park relocation fund, the motor vehicle
15 fund, the motorcycle safety education account, the multimodal
16 transportation account, the multiuse roadway safety account, the
17 municipal criminal justice assistance account, the natural resources
18 deposit account, the oyster reserve land account, the pension funding
19 stabilization account, the perpetual surveillance and maintenance
20 account, the pollution liability insurance agency underground storage
21 tank revolving account, the public employees' retirement system plan
22 1 account, the public employees' retirement system combined plan 2
23 and plan 3 account, the public facilities construction loan revolving
24 account beginning July 1, 2004, the public health supplemental
25 account, the public works assistance account, the Puget Sound capital
26 construction account, the Puget Sound ferry operations account, the
27 Puget Sound taxpayer accountability account, the real estate
28 appraiser commission account, the recreational vehicle account, the
29 regional mobility grant program account, the resource management cost
30 account, the rural arterial trust account, the rural mobility grant
31 program account, the rural Washington loan fund, the site closure
32 account, the skilled nursing facility safety net trust fund, the
33 small city pavement and sidewalk account, the special category C
34 account, the special wildlife account, the state employees' insurance
35 account, the state employees' insurance reserve account, the state
36 investment board expense account, the state investment board
37 commingled trust fund accounts, the state patrol highway account, the
38 state route number 520 civil penalties account, the state route
39 number 520 corridor account, the state wildlife account, the
40 supplemental pension account, the Tacoma Narrows toll bridge account,

1 the teachers' retirement system plan 1 account, the teachers'
2 retirement system combined plan 2 and plan 3 account, the tobacco
3 prevention and control account, the tobacco settlement account, the
4 toll facility bond retirement account, the transportation 2003
5 account (nickel account), the transportation equipment fund, the
6 transportation fund, the transportation future funding program
7 account, the transportation improvement account, the transportation
8 improvement board bond retirement account, the transportation
9 infrastructure account, the transportation partnership account, the
10 traumatic brain injury account, the tuition recovery trust fund, the
11 University of Washington bond retirement fund, the University of
12 Washington building account, the volunteer firefighters' and reserve
13 officers' relief and pension principal fund, the volunteer
14 firefighters' and reserve officers' administrative fund, the
15 Washington judicial retirement system account, the Washington law
16 enforcement officers' and firefighters' system plan 1 retirement
17 account, the Washington law enforcement officers' and firefighters'
18 system plan 2 retirement account, the Washington public safety
19 employees' plan 2 retirement account, the Washington school
20 employees' retirement system combined plan 2 and 3 account, the
21 Washington state health insurance pool account, the Washington state
22 patrol retirement account, the Washington State University building
23 account, the Washington State University bond retirement fund, the
24 water pollution control revolving administration account, the water
25 pollution control revolving fund, the Western Washington University
26 capital projects account, the Yakima integrated plan implementation
27 account, the Yakima integrated plan implementation revenue recovery
28 account, and the Yakima integrated plan implementation taxable bond
29 account. Earnings derived from investing balances of the agricultural
30 permanent fund, the normal school permanent fund, the permanent
31 common school fund, the scientific permanent fund, the state
32 university permanent fund, and the state reclamation revolving
33 account 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
36 that deposits funds into a fund or account in the state treasury
37 pursuant to an agreement with the office of the state treasurer shall
38 receive its proportionate share of earnings based upon each account's
39 or fund's average daily balance for the period.

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

4 NEW SECTION. **Sec. 21.** (1) On July 1, 2016, if the cash balance
5 amount in the pollution liability insurance program trust account
6 exceeds seven million five hundred thousand dollars after excluding
7 the reserves under RCW 70.148.020(2), the state treasurer shall
8 transfer the amount exceeding seven million five hundred thousand
9 dollars, up to a transfer of ten million dollars, from the pollution
10 liability insurance program trust account into the pollution
11 liability insurance agency underground storage tank revolving
12 account.

13 (2) On July 1, 2017, and every two years thereafter at the start
14 of each successive biennium, if the cash balance amount in the
15 pollution liability insurance program trust account exceeds seven
16 million five hundred thousand dollars, the state treasurer shall
17 transfer the amount exceeding seven million five hundred thousand
18 dollars after excluding the reserves under RCW 70.148.020(2), up to a
19 transfer of twenty million dollars, from the pollution liability
20 insurance program trust account into the pollution liability
21 insurance agency underground storage tank revolving account. If
22 twenty million dollars is not available to be transferred at the
23 beginning of the first fiscal year of the biennium, on July 1st of
24 the subsequent fiscal year, if the cash balance amount in the
25 pollution liability insurance program trust account exceeds seven
26 million five hundred thousand dollars after excluding the reserves
27 under RCW 70.148.020(2), the state treasurer shall transfer the
28 amount exceeding seven million five hundred thousand dollars from the
29 pollution liability insurance program trust account into the
30 pollution liability insurance agency underground storage tank
31 revolving account. The total amount transferred in a biennium from
32 the pollution liability insurance program trust account into the
33 pollution liability insurance agency underground storage tank
34 revolving account may not exceed twenty million dollars.

35 NEW SECTION. **Sec. 22.** Sections 1 through 13, 21, and 23 of this
36 act constitute a new chapter in Title 70 RCW.

1 NEW SECTION. **Sec. 23.** Sections 1 through 13 of this act take
2 effect July 1, 2016.

3 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 70.148.120 (Financial assistance for corrective actions
6 in small communities—Intent) and 2005 c 428 s 1 & 1991 c 4 s 1;

7 (2) RCW 70.148.130 (Financial assistance—Criteria) and 2005 c 428
8 s 2 & 1991 c 4 s 2;

9 (3) RCW 70.148.140 (Financial assistance—Private owner or
10 operator) and 1991 c 4 s 3;

11 (4) RCW 70.148.150 (Financial assistance—Public owner or
12 operator) and 1991 c 4 s 4;

13 (5) RCW 70.148.160 (Financial assistance—Rural hospitals) and
14 1991 c 4 s 5; and

15 (6) RCW 70.148.170 (Certification) and 1991 c 4 s 6."

16 Correct the title.

EFFECT: Limits the contaminated property clean-up authority of the pollution liability insurance agency (PLIA) to only allow PLIA clean-up actions that are authorized by the property owner or operator. Requires PLIA clean-up activities to focus on maintaining a property's economic vitality.

--- END ---