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**SUBSTITUTE HOUSE BILL 2063**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Kilduff, Kagi, Jinkins, Springer, Hunter, Ormsby, Tharinger, and Tarleton)

AN ACT Relating to the creation of the Washington achieving a better life experience program; amending RCW 43.330.010; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; and providing an expiration date.

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

**Sec.**  RCW 43.330.010 and 2014 c 112 s 401 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department of commerce.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Small business" has the same meaning as provided in RCW 39.26.010.

(6) "Eligible individual" means individuals entitled to benefits based on blindness or disability under 42 U.S.C. Sec. 401 or 1381 et seq. as amended, and such blindness or disability occurred before the date the individual turned age twenty-six or an individual who has filed a disability certification to the satisfaction of the secretary of the United States treasury.

(7) "Individual Washington achieving a better life experience program account" means an account established by an eligible individual and owned by the eligible individual pursuant to the Washington achieving a better life experience program.

(8) "Washington achieving a better life experience program" means a savings program that allows eligible individuals to establish and contribute to individual Washington achieving a better life experience program accounts pursuant to section 529A of the federal internal revenue code of 1986, as amended.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington achieving a better life experience program is created in the department. The department is authorized to administer, manage, promote, and market the Washington achieving a better life experience program. This program must allow for the creation of savings accounts for eligible individuals with disabilities and the funds must be invested.

(2) The department may consult with the office of the state treasurer, the department of social and health services, and the state investment board in implementing the Washington achieving a better life experience program. The department shall adopt rules to implement the Washington achieving a better life experience program.

(3) The department shall take any action required to keep the program in compliance with requirements of this chapter and as required to qualify as a "qualified ABLE program" as defined in section 529A of the federal internal revenue code of 1986, as amended or any rules and regulations adopted by the secretary of the United States treasury pursuant to that act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The department shall annually report to the appropriate committees of the legislature by December 1st regarding the progress that has been made in implementing the Washington achieving a better life experience program. At a minimum, this report must include any recommendations regarding legislative changes that are necessary to implement the program and an estimate regarding the timeline for implementing the program. The report must also include a discussion of the feasibility and relative cost-benefit of using an agency or instrumentality allowed by federal law and regulation other than the state investment board or contracting with another state to invest individual Washington achieving a better life experience program account moneys.

(2) This section expires July 1, 2018.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington achieving a better life experience program account is created in the custody of the state treasurer.

(2) The account must be self-sustaining and consist of payments received from contributors to individual Washington achieving a better life experience program accounts. All payments contributed to the Washington achieving a better life experience program must be deposited in the account. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160, 43.84.160, and 43.08.190, the account must be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. An appropriation is not required for expenditures.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to individual Washington achieving a better life experience program account holders. Disbursements from the account may be made only on the authorization of the department.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore, the assets of the account are not considered state money, common cash, or revenue to the state.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The state investment board created in RCW 43.33A.020 has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington achieving a better life experience program account. All investment and operating costs associated with the investment of money must be paid pursuant to RCW 43.33A.160, 43.84.160, and 43.08.190. With the exception of these expenses, the earnings from the investment of the money must be retained by the account.

(2) All investments made by the state investment board must be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the account may be commingled for investment with other funds subject to investment by the board.

(4) The authority to establish all policies relating to the account, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the department, and money in the account may be spent only for the purposes of the program as specified in this chapter.

(5) The state investment board shall routinely consult and communicate with the governing body on the investment policy, earnings of the account, and related needs of the program.

NEW SECTION. **Sec.**  A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington achieving a better life experience advisory board consisting of seven members is established to help develop, implement, and oversee the Washington achieving a better life experience program. The members of the advisory board must be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy. At least two members must be persons who are either eligible individuals for the Washington achieving a better life program or are relatives of eligible individuals. Six of the advisory board members must be appointed by the governor, and the seventh member of the board, who shall serve as chair of the board, must be appointed by the remaining six members of the board.

(2) Members of the board shall each serve a three-year term, subject to renewal for no more than one additional three-year term. The advisory board shall develop rules that provide for the staggering of terms so that, after the first three years of the board's existence, the terms of one-third of the members expire each year. Members of the board must be compensated for their service under RCW 43.03.240, and may be reimbursed for travel and other expenses under RCW 43.03.050 and 43.03.060.

(3) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(4) The role of the advisory board under this section is to advise the department and other agencies in development and operation of the program and make recommendations, if appropriate, to the legislature and the governor regarding the development, implementation, and operation of the Washington achieving a better life experience program.

**Sec.**  RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

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

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

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

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