

ESHB 1109 - S COMM AMD

By Committee on Law & Justice

NOT CONSIDERED 04/11/2017

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

3 **"PART I - WASHINGTON SEXUAL ASSAULT KIT INITIATIVE PROJECT**

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A  
5 RCW to read as follows:

6 (1) When funded, the Washington association of sheriffs and  
7 police chiefs shall establish and administer the Washington sexual  
8 assault kit initiative project.

9 (2) The project is created for the purpose of providing funding  
10 through a competitive grant program to support multidisciplinary  
11 community response teams engaged in seeking a just resolution to  
12 sexual assault cases resulting from evidence found in previously  
13 unsubmitted sexual assault kits.

14 (3) In administering the project, the Washington association of  
15 sheriffs and police chiefs has the following powers and duties:

16 (a) Design and implement the grant project with the elements  
17 included in this section;

18 (b) Screen and select eligible applicants to receive grants;

19 (c) Award grants and disburse funds to at least two eligible  
20 applicants, at least one located in western Washington and at least  
21 one located in eastern Washington;

22 (d) Adopt necessary policies and procedures to implement and  
23 administer the program;

24 (e) Monitor use of grant funds and compliance with the grant  
25 requirements;

26 (f) Create and implement reporting requirements for grant  
27 recipients;

28 (g) Facilitate the hosting of a sexual assault kit summit in the  
29 state of Washington through a grant recipient or directly through the  
30 Washington association of sheriffs and police chiefs, subject to the

1 availability of funds, which may include a combination of public and  
2 private dollars allocated for the particular purpose; and

3 (h) Report to the appropriate committees of the legislature, the  
4 joint legislative task force on sexual assault forensic examination  
5 best practices, and the governor by December 1, 2017, and each  
6 December 1st of each subsequent year the project is funded and  
7 operating, regarding the status of grant awards, the progress of the  
8 grant recipients toward the identified goals in this section, the  
9 data required by subsection (4) of this section, and any other  
10 relevant information or recommendations related to the project or  
11 sexual assault kit policies.

12 (4) Grant recipients must:

13 (a) Perform an inventory of all unsubmitted sexual assault kits  
14 in the jurisdiction's possession regardless of where they are stored  
15 and submit those sexual assault kits for forensic analysis through  
16 the Washington state patrol or another laboratory with the permission  
17 of the Washington state patrol;

18 (b) Establish a multidisciplinary cold case or sexual assault  
19 investigation team or teams for follow-up investigations and  
20 prosecutions resulting from evidence from the testing of previously  
21 unsubmitted sexual assault kits. Cold case or sexual assault  
22 investigative teams must: Include prosecutors, law enforcement, and  
23 victim advocates for the duration of the project; use victim-  
24 centered, trauma-informed protocols, including for victim  
25 notification; and use protocols and policies established by the  
26 Washington association of sheriffs and police chiefs. The grant funds  
27 may support personnel costs, including hiring and overtime, to allow  
28 for adequate follow-up investigations and prosecutions. Grant awards  
29 must be prioritized for eligible applicants with a commitment to  
30 colocate assigned prosecutors, law enforcement, and victim advocates  
31 for the duration of the grant program;

32 (c) Require participants in the multidisciplinary cold case or  
33 sexual assault investigation team or teams to participate in and  
34 complete specialized training for victim-centered, trauma-informed  
35 investigation and prosecutions;

36 (d) Identify and address individual level, organizational level,  
37 and systemic factors that lead to unsubmitted sexual assault kits in  
38 the jurisdiction and development of a comprehensive strategy to  
39 address the issues, including effecting changes in practice,

1 protocol, and organizational culture, and implementing evidence-  
2 based, victim-centered, trauma-informed practices and protocols;

3 (e) Appoint an informed representative to attend meetings of and  
4 provide information and assistance to the joint legislative task  
5 force on sexual assault forensic examination best practices;

6 (f) Identify and maintain consistent, experienced, and committed  
7 leadership of their sexual assault kit initiative; and

8 (g) Track and report the following data to the Washington  
9 association of sheriffs and police chiefs, in addition to any data  
10 required by the Washington association of sheriffs and police chiefs:  
11 The number of kits inventoried; the dates collected and submitted for  
12 testing; the number of kits tested; the number of kits with  
13 information eligible for entry into the combined DNA index system;  
14 the number of combined DNA index system hits; the number of  
15 identified suspects; including serial perpetrators; the number of  
16 investigations conducted and cases reviewed; the number of charges  
17 filed; and the number of convictions.

18 (5) Subject to the availability of funds, the project may also  
19 allocate funds for grant recipients to:

20 (a) Create and employ training in relation to sexual assault  
21 evidence, victimization and trauma response, and other related topics  
22 to improve the quality and outcomes of sexual assault investigations  
23 and prosecutions;

24 (b) Enhance victim services and support for past and current  
25 victims of sexual assault; or

26 (c) Develop evidence collection, retention, victim notification,  
27 and other protocols needed to optimize data sharing, case  
28 investigation, prosecution, and victim support.

29 (6) For the purposes of this section:

30 (a) "Eligible applicants" include: Law enforcement agencies,  
31 units of local government, or combination of units of local  
32 government, prosecutor's offices, or a governmental nonlaw  
33 enforcement agency acting as fiscal agent for one of the previously  
34 listed types of eligible applicants. A combination of jurisdictions,  
35 including contiguous jurisdictions of multiple towns, cities, or  
36 counties, may create a task force or other entity for the purposes of  
37 applying for and receiving a grant, provided that the relevant  
38 prosecutors and law enforcement agencies are acting in partnership in  
39 complying with the grant requirements.

1 (b) "Project" means the Washington sexual assault kit initiative  
2 project created in this section.

3 (c) "Unsubmitted sexual assault kit" are sexual assault kits that  
4 have not been submitted to a forensic laboratory for testing with the  
5 combined DNA index system-eligible DNA methodologies as of the  
6 effective date of the mandatory testing law in RCW 70.125.090.  
7 Unsubmitted sexual assault kits includes partially tested sexual  
8 assault kits, which are sexual assault kits that have only been  
9 subjected to serological testing, or that have previously been tested  
10 only with noncombined DNA index system-eligible DNA methodologies.  
11 The project does not include untested sexual assault kits that have  
12 been submitted to forensic labs for testing with combined DNA index  
13 system-eligible DNA methodologies but are delayed for testing as a  
14 result of a backlog of work in the laboratory.

15 **Sec. 2.** 2015 c 247 s 2 (uncodified) is amended to read as  
16 follows:

17 (1)(a) ((A)) The joint legislative task force on sexual assault  
18 forensic examination best practices is established (~~(to review)~~) for  
19 the purpose of reviewing best practice models for managing all  
20 aspects of sexual assault examinations and for reducing the number of  
21 untested sexual assault examination kits in Washington state that  
22 were collected prior to the effective date of this section.

23 (i) The caucus leaders from the senate shall appoint one member  
24 from each of the two largest caucuses of the senate.

25 (ii) The caucus leaders from the house of representatives shall  
26 appoint one member from each of the two largest caucuses of the house  
27 of representatives.

28 (iii) The president of the senate and the speaker of the house of  
29 representatives shall jointly appoint:

30 (A) One member representing each of the following:

31 (I) The Washington state patrol;

32 (II) The Washington association of sheriffs and police chiefs;

33 (III) The Washington association of prosecuting attorneys;

34 (IV) The Washington defender association or the Washington  
35 association of criminal defense lawyers;

36 (V) The Washington association of cities;

37 (VI) The Washington association of county officials;

38 (VII) The Washington coalition of sexual assault programs;

39 (VIII) The office of crime victims advocacy;

1 (IX) The Washington state hospital association;  
2 (X) The Washington state forensic investigations council;  
3 (XI) A public institution of higher education as defined in RCW  
4 28B.10.016; (~~and~~)  
5 (XII) A private higher education institution as defined in RCW  
6 28B.07.020; and  
7 (XIII) The office of the attorney general; and  
8 (B) Two members representing survivors of sexual assault.  
9 (b) The task force shall choose two cochairs from among its  
10 legislative membership. The legislative membership shall convene the  
11 initial meeting of the task force.  
12 (2) The duties of the task force include, but are not limited to:  
13 (a) Researching and determining the number of untested sexual  
14 assault examination kits in Washington state;  
15 (b) Researching the locations where the untested sexual assault  
16 examination kits are stored;  
17 (c) Researching, reviewing, and making recommendations regarding  
18 legislative policy options for reducing the number of untested sexual  
19 assault examination kits;  
20 (d) Researching the best practice models both in state and from  
21 other states for collaborative responses to victims of sexual assault  
22 from the point the sexual assault examination kit is collected to the  
23 conclusion of the investigation and providing recommendations  
24 regarding any existing gaps in Washington and resources that may be  
25 necessary to address those gaps; and  
26 (e) Researching, identifying, and making recommendations for  
27 securing nonstate funding for testing the sexual assault examination  
28 kits, and reporting on progress made toward securing such funding.  
29 (3) Staff support for the task force must be provided by the  
30 senate committee services and the house of representatives office of  
31 program research.  
32 (4) Legislative members of the task force must be reimbursed for  
33 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
34 members, except those representing an employer or organization, are  
35 entitled to be reimbursed for travel expenses in accordance with RCW  
36 43.03.050 and 43.03.060.  
37 (5) The expenses of the task force must be paid jointly by the  
38 senate and the house of representatives. Task force meetings and  
39 expenditures are subject to approval by the senate facilities and

1 operations committee and the house of representatives executive rules  
2 committee, or their successor committees.

3 (6) The first meeting of the task force must occur prior to  
4 October 1, 2015. The task force shall submit a preliminary report  
5 regarding its initial findings and recommendations to the appropriate  
6 committees of the legislature and the governor no later than December  
7 1, 2015.

8 (7) The task force must meet no less than twice annually.

9 (8) The task force shall report its findings and recommendations  
10 to the appropriate committees of the legislature and the governor by  
11 September 30, 2016, and by ((September 30th)) December 1st of ((each  
12 subsequent)) the following year.

13 (9) This section expires June 30, 2018.

## 14 PART II - TRAINING

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101  
16 RCW to read as follows:

17 (1) The commission shall provide ongoing specialized, intensive,  
18 and integrative training for persons responsible for investigating  
19 sexual assault cases involving adult victims. The training must be  
20 based on a victim-centered, trauma-informed approach to responding to  
21 sexual assault. Among other subjects, the training must include  
22 content on the neurobiology of trauma and trauma-informed  
23 interviewing, counseling, and investigative techniques.

24 (2) The training must: Be based on research-based practices and  
25 standards; offer participants an opportunity to practice interview  
26 skills and receive feedback from instructors; minimize the trauma of  
27 all persons who are interviewed during abuse investigations; provide  
28 methods of reducing the number of investigative interviews necessary  
29 whenever possible; assure, to the extent possible, that investigative  
30 interviews are thorough, objective, and complete; recognize needs of  
31 special populations; recognize the nature and consequences of  
32 victimization; require investigative interviews to be conducted in a  
33 manner most likely to permit the interviewed persons the maximum  
34 emotional comfort under the circumstances; address record retention  
35 and retrieval; and address documentation of investigative interviews.

36 (3) In developing the training, the commission shall seek advice  
37 from the Washington association of sheriffs and police chiefs, the  
38 Washington coalition of sexual assault programs, and experts on

1 sexual assault and the neurobiology of trauma. The commission shall  
2 consult with the Washington association of prosecuting attorneys in  
3 an effort to design training containing consistent elements for all  
4 professionals engaged in interviewing and interacting with sexual  
5 assault victims in the criminal justice system.

6 (4) The commission shall develop the training and begin offering  
7 it by July 1, 2018. Officers assigned to regularly investigate sexual  
8 assault involving adult victims shall complete the training within  
9 one year of being assigned or by July 1, 2020, whichever is later.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101  
11 RCW to read as follows:

12 By July 1, 2018, the commission shall incorporate victim-  
13 centered, trauma-informed approaches to policing in the basic law  
14 enforcement training curriculum. In modifying the curriculum, the  
15 commission shall seek advice from the Washington coalition of sexual  
16 assault programs and other experts on sexual assault and the  
17 neurobiology of trauma.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101  
19 RCW to read as follows:

20 (1) By July 1, 2018, the commission shall develop training on a  
21 victim-centered, trauma-informed approach to interacting with victims  
22 and responding to sexual assault calls. The curriculum must: Be  
23 designed for commissioned patrol officers not regularly assigned to  
24 investigate sexual assault cases; be designed for deployment and use  
25 within individual law enforcement agencies; include features allowing  
26 for it to be used in different environments, which may include  
27 multimedia or video components; allow for law enforcement agencies to  
28 host it in small segments at different times over several days or  
29 weeks, including roll calls. The training must include components on  
30 available resources for victims including, but not limited to,  
31 material on and references to community-based victim advocates.

32 (2) In developing the training, the commission shall seek advice  
33 from the Washington association of sheriffs and police chiefs, the  
34 Washington coalition of sexual assault programs, and experts on  
35 sexual assault and the neurobiology of trauma.

36 (3) Beginning in 2018, all law enforcement agencies shall  
37 annually host the training for commissioned peace officers. All law

1 enforcement agencies shall, to the extent feasible, consult with and  
2 feature local community-based victim advocates during the training.

3 **PART III - FUNDING**

4 NEW SECTION. **Sec. 6.** (1) The sexual assault prevention and  
5 response account is created in the state treasury. All revenues from  
6 the fee imposed under RCW 66.08.2601 must be deposited into the  
7 sexual assault prevention and response account. Moneys in the account  
8 may only be spent after appropriation.

9 (2) The legislature must prioritize appropriations from the  
10 account for: The Washington sexual assault kit initiative project  
11 created in section 1 of this act; the office of crime victims  
12 advocacy for the purpose of providing support and services, including  
13 educational and vocational training, to victims of sexual assault and  
14 trafficking; victim-centered, trauma-informed training for  
15 prosecutors, law enforcement, and victim advocates, including, but  
16 not limited to, the training in sections 3 through 5 of this act; the  
17 Washington state patrol for the purpose of funding the statewide  
18 sexual assault kit tracking system and funding the forensic analysis  
19 of sexual assault kits.

20 **Sec. 7.** RCW 43.330.470 and 2016 c 173 s 9 are each amended to  
21 read as follows:

22 (1) The Washington sexual assault kit program is created within  
23 the department for the purpose of accepting private funds  
24 (~~conducting~~) to fund forensic analysis of sexual assault kits in  
25 the possession of law enforcement agencies but not submitted for  
26 analysis as of July 24, 2015, and to fund other related programs  
27 aimed at improving the public's response to sexual assault. The  
28 director may accept gifts, grants, donations, or moneys from any  
29 source for deposit in the Washington sexual assault kit account  
30 created under subsection (2) of this section.

31 (2) The Washington sexual assault kit account is created in the  
32 custody of the state treasurer. Funds deposited in the Washington  
33 sexual assault kit account may be used for the Washington sexual  
34 assault kit program established under this section. The Washington  
35 sexual assault kit account is subject to allotment procedures under  
36 chapter 43.88 RCW, but an appropriation is not required for  
37 expenditures.



1       (3) Except when otherwise specified, public funds deposited in  
2 the Washington sexual assault kit account must be transferred and  
3 used exclusively for the following:

4       (a) Eighty-five percent of the funds for the Washington state  
5 patrol bureau of forensic laboratory services for the purpose of  
6 conducting forensic analysis of sexual assault kits in the possession  
7 of law enforcement agencies but not submitted for forensic analysis  
8 as of July 24, 2015; and

9       (b) Fifteen percent of the funds for the office of crime victims  
10 advocacy in the department for the purpose of funding grants for  
11 sexual assault nurse examiner services and training.

12       (4)(a) Except as otherwise provided in (b) of this subsection,  
13 private funds donated to and deposited in the Washington sexual  
14 assault kit account must be transferred and used exclusively for the  
15 following:

16       (i) Thirty percent for the Washington association of sheriffs and  
17 police chiefs for the purpose of funding the Washington sexual  
18 assault kit initiative project created in section 1 of this act;

19       (ii) Thirty percent for the Washington state patrol bureau of  
20 forensic laboratory services for the purpose of conducting forensic  
21 analysis of sexual assault kits in the possession of law enforcement  
22 agencies but not submitted for forensic analysis as of July 24, 2015,  
23 unless the Washington state patrol bureau of forensic laboratory  
24 services deems that the funds are not necessary for this purpose, in  
25 which case the funds shall be divided equally for the purposes  
26 outlined in (a)(i), (iii), and (iv) of this subsection;

27       (iii) Thirty percent for the criminal justice training commission  
28 for the training in sections 3 through 5 of this act;

29       (iv) Ten percent for the office of crime victims advocacy in the  
30 department for the purpose of providing services to victims of sexual  
31 assault and training for professionals interacting with and providing  
32 services to victims of sexual assault.

33       (b) With the consent of the department, a grantor of funds may  
34 enter into an agreement with the department for a different  
35 allocation of funds specified in (a) of this subsection, provided  
36 that the funds are distributed for the purpose of the program created  
37 in this section. Within thirty days of entering into an agreement  
38 under this subsection (4)(b), the department shall notify the sexual  
39 assault forensic examination best practices task force and the  
40 appropriate committees of the legislature.

1       (5) This section expires June 30, 2022.

2       **Sec. 8.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and  
3 2016 c 112 s 4 are each reenacted and amended to read as follows:

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

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

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

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

36       (a) The following accounts and funds shall receive their  
37 proportionate share of earnings based upon each account's and fund's  
38 average daily balance for the period: The aeronautics account, the  
39 aircraft search and rescue account, the Alaskan Way viaduct

1 replacement project account, the brownfield redevelopment trust fund  
2 account, the budget stabilization account, the capital vessel  
3 replacement account, the capitol building construction account, the  
4 Cedar River channel construction and operation account, the Central  
5 Washington University capital projects account, the charitable,  
6 educational, penal and reformatory institutions account, the Chehalis  
7 basin account, the cleanup settlement account, the Columbia river  
8 basin water supply development account, the Columbia river basin  
9 taxable bond water supply development account, the Columbia river  
10 basin water supply revenue recovery account, the common school  
11 construction fund, the community forest trust account, the connecting  
12 Washington account, the county arterial preservation account, the  
13 county criminal justice assistance account, the deferred compensation  
14 administrative account, the deferred compensation principal account,  
15 the department of licensing services account, the department of  
16 retirement systems expense account, the developmental disabilities  
17 community trust account, the diesel idle reduction account, the  
18 drinking water assistance account, the drinking water assistance  
19 administrative account, the drinking water assistance repayment  
20 account, the Eastern Washington University capital projects account,  
21 the Interstate 405 express toll lanes operations account, the  
22 education construction fund, the education legacy trust account, the  
23 election account, the electric vehicle charging infrastructure  
24 account, the energy freedom account, the energy recovery act account,  
25 the essential rail assistance account, The Evergreen State College  
26 capital projects account, the federal forest revolving account, the  
27 ferry bond retirement fund, the freight mobility investment account,  
28 the freight mobility multimodal account, the grade crossing  
29 protective fund, the public health services account, the high  
30 capacity transportation account, the state higher education  
31 construction account, the higher education construction account, the  
32 highway bond retirement fund, the highway infrastructure account, the  
33 highway safety fund, the high occupancy toll lanes operations  
34 account, the hospital safety net assessment fund, the industrial  
35 insurance premium refund account, the judges' retirement account, the  
36 judicial retirement administrative account, the judicial retirement  
37 principal account, the local leasehold excise tax account, the local  
38 real estate excise tax account, the local sales and use tax account,  
39 the marine resources stewardship trust account, the medical aid  
40 account, the mobile home park relocation fund, the money-purchase

1 retirement savings administrative account, the money-purchase  
2 retirement savings principal account, the motor vehicle fund, the  
3 motorcycle safety education account, the multimodal transportation  
4 account, the multiuse roadway safety account, the municipal criminal  
5 justice assistance account, the natural resources deposit account,  
6 the oyster reserve land account, the pension funding stabilization  
7 account, the perpetual surveillance and maintenance account, the  
8 pollution liability insurance agency underground storage tank  
9 revolving account, the public employees' retirement system plan 1  
10 account, the public employees' retirement system combined plan 2 and  
11 plan 3 account, the public facilities construction loan revolving  
12 account beginning July 1, 2004, the public health supplemental  
13 account, the public works assistance account, the Puget Sound capital  
14 construction account, the Puget Sound ferry operations account, the  
15 Puget Sound taxpayer accountability account, the real estate  
16 appraiser commission account, the recreational vehicle account, the  
17 regional mobility grant program account, the resource management cost  
18 account, the rural arterial trust account, the rural mobility grant  
19 program account, the rural Washington loan fund, the sexual assault  
20 prevention and response account, the site closure account, the  
21 skilled nursing facility safety net trust fund, the small city  
22 pavement and sidewalk account, the special category C account, the  
23 special wildlife account, the state employees' insurance account, the  
24 state employees' insurance reserve account, the state investment  
25 board expense account, the state investment board commingled trust  
26 fund accounts, the state patrol highway account, the state route  
27 number 520 civil penalties account, the state route number 520  
28 corridor account, the state wildlife account, the supplemental  
29 pension account, the Tacoma Narrows toll bridge account, the  
30 teachers' retirement system plan 1 account, the teachers' retirement  
31 system combined plan 2 and plan 3 account, the tobacco prevention and  
32 control account, the tobacco settlement account, the toll facility  
33 bond retirement account, the transportation 2003 account (nickel  
34 account), the transportation equipment fund, the transportation fund,  
35 the transportation future funding program account, the transportation  
36 improvement account, the transportation improvement board bond  
37 retirement account, the transportation infrastructure account, the  
38 transportation partnership account, the traumatic brain injury  
39 account, the tuition recovery trust fund, the University of  
40 Washington bond retirement fund, the University of Washington

1 building account, the volunteer firefighters' and reserve officers'  
2 relief and pension principal fund, the volunteer firefighters' and  
3 reserve officers' administrative fund, the Washington judicial  
4 retirement system account, the Washington law enforcement officers'  
5 and firefighters' system plan 1 retirement account, the Washington  
6 law enforcement officers' and firefighters' system plan 2 retirement  
7 account, the Washington public safety employees' plan 2 retirement  
8 account, the Washington school employees' retirement system combined  
9 plan 2 and 3 account, the Washington state health insurance pool  
10 account, the Washington state patrol retirement account, the  
11 Washington State University building account, the Washington State  
12 University bond retirement fund, the water pollution control  
13 revolving administration account, the water pollution control  
14 revolving fund, the Western Washington University capital projects  
15 account, the Yakima integrated plan implementation account, the  
16 Yakima integrated plan implementation revenue recovery account, and  
17 the Yakima integrated plan implementation taxable bond account.  
18 Earnings derived from investing balances of the agricultural  
19 permanent fund, the normal school permanent fund, the permanent  
20 common school fund, the scientific permanent fund, the state  
21 university permanent fund, and the state reclamation revolving  
22 account shall be allocated to their respective beneficiary accounts.

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

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

32 **Sec. 9.** RCW 66.08.2601 and 2015 3rd sp.s. c 26 s 1 are each  
33 amended to read as follows:

34 (1) A nonrefundable additional fee is imposed on all applications  
35 and renewals of licenses and permits relating to spirits, wine, and  
36 beer required under chapters 66.20 and 66.24 RCW, with the exception  
37 of license issuance fees of seventeen percent of revenues owed by  
38 spirits retail licensees under RCW 66.24.630(4)(a), and the five to  
39 ten percent license issuance fee for spirits distributors under RCW

1 66.24.055(3). The fee applies to all applications and license  
2 modifications received on or after the effective date of this section  
3 and renewals where the date of license expiration is on or after June  
4 30, 2015. The fee is equal to six and two tenths percent of the  
5 licensing or permit fee due under chapters 66.20 and 66.24 RCW. If  
6 the fee is not a whole dollar amount, the fee must be rounded up to  
7 the next whole dollar.

8 (2) (~~This section expires June 30, 2017~~) All fees collected  
9 under this section must be deposited in the sexual assault prevention  
10 and response account created in section 6 of this act.

11 **Sec. 10.** RCW 66.08.260 and 2015 3rd sp.s. c 26 s 3 are each  
12 amended to read as follows:

13 (1) The licensing and enforcement system modernization project  
14 account is created in the custody of the state treasurer. All  
15 receipts from RCW (~~66.08.2601 and~~) 66.08.2602 must be deposited  
16 into the account. Expenditures from the account may be only used for  
17 the expenses of replacing and modernizing the board's licensing,  
18 enforcement, and imaging system. The expenditures may be expended for  
19 automation of licenses and permits, electronic payments, data  
20 warehousing, project management and system testing, consulting,  
21 contracting, and staff time, and any necessary data conversion,  
22 software, hardware, and related equipment costs. Before making  
23 expenditures from the account, the board must conduct a thorough  
24 business process examination to ensure the new system provides  
25 efficient and effective service delivery. As part of the examination,  
26 the board must evaluate and articulate how any new system procurement  
27 serves the current and future needs of the internal and external  
28 stakeholders, the customers, and the public. Only the director of the  
29 board or the director's designee may authorize expenditures from the  
30 account. The account is subject to allotment procedures under chapter  
31 43.88 RCW, but an appropriation is not required for expenditures.

32 (2) This section expires June 30, 2019.

33 **Sec. 11.** RCW 66.08.170 and 2015 3rd sp.s. c 4 s 966 are each  
34 amended to read as follows:

35 There shall be a fund, known as the "liquor revolving fund,"  
36 which (~~shall~~) consists of all license fees, permit fees, penalties,  
37 forfeitures, and all other moneys, income, or revenue received by the  
38 board, except as provided otherwise in RCW 66.08.2601. The state

1 treasurer shall be custodian of the fund. All moneys received by the  
2 board or any employee thereof, except for change funds and an amount  
3 of petty cash as fixed by the board within the authority of law shall  
4 be deposited each day in a depository approved by the state treasurer  
5 and transferred to the state treasurer to be credited to the liquor  
6 revolving fund. During the 2009-2011 fiscal biennium, the legislature  
7 may transfer funds from the liquor revolving (~~(account—[fund])~~) fund  
8 to the state general fund and may direct an additional amount of  
9 liquor profits to be distributed to local governments. Neither the  
10 transfer of funds nor the additional distribution of liquor profits  
11 to local governments during the 2009-2011 fiscal biennium may reduce  
12 the excess fund distributions that otherwise would occur under RCW  
13 66.08.190. During the 2011-2013 fiscal biennium, the state treasurer  
14 shall transfer from the liquor revolving fund to the state general  
15 fund forty-two million five hundred thousand dollars for fiscal year  
16 2012 and forty-two million five hundred thousand dollars for fiscal  
17 year 2013. The transfer during the 2011-2013 fiscal biennium may not  
18 reduce the excess fund distributions that otherwise would occur under  
19 RCW 66.08.190. Sales to licensees are exempt from any liquor price  
20 increases that may result from the transfer of funds from the liquor  
21 revolving fund to the state general fund during the 2011-2013 fiscal  
22 biennium. Disbursements from the revolving fund shall be on  
23 authorization of the board or a duly authorized representative  
24 thereof. In order to maintain an effective expenditure and revenue  
25 control the liquor revolving fund shall be subject in all respects to  
26 chapter 43.88 RCW but no appropriation shall be required to permit  
27 expenditures and payment of obligations from such fund. During the  
28 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer  
29 from the liquor revolving fund to the state general fund such amounts  
30 as reflect the excess fund balance of the account.

31 NEW SECTION. **Sec. 12.** Sections 9 through 11 of this act are  
32 necessary for the immediate preservation of the public peace, health,  
33 or safety, or support of the state government and its existing public  
34 institutions, and take effect June 30, 2017."

**NOT CONSIDERED 04/11/2017**

1        On page 1, line 1 of the title, after "assault;" strike the  
2 remainder of the title and insert "amending RCW 43.330.470,  
3 66.08.2601, 66.08.260, and 66.08.170; amending 2015 c 247 s 2  
4 (uncodified); reenacting and amending RCW 43.84.092; adding a new  
5 section to chapter 36.28A RCW; adding new sections to chapter 43.101  
6 RCW; creating a new section; prescribing penalties; providing an  
7 effective date; and declaring an emergency."

EFFECT: Removes authorization for the Office of the Attorney General to assist law enforcement officials and prosecutors with investigations and prosecutions of cold cases tied to previously unsubmitted SAKs. Transfers responsibility for establishing and administering the WA sexual assault kit project from the attorney general to the Washington Association of Sheriffs and Police Chiefs. Changes terminology relating to the Washington Sexual Assault Kit Initiative Pilot Project, removing the term "pilot" and broadening the possible scope of the project beyond two eligible applicants. Makes technical numbering corrections and expands the emergency clause to include sections 10 and 11 of the act.

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