
SUBSTITUTE HOUSE BILL 1109

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Orwall, McCabe, Griffey, Hayes, McBride, Frame, Goodman, Klippert, Stanford, Stambaugh, Jinkins, Fey, Harmsworth, Dolan, Sells, Muri, Gregerson, McDonald, Wylie, Kilduff, Kloba, Tarleton, Pollet, Farrell, Kagi, Riccelli, Senn, Peterson, Bergquist, and Doglio)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to supporting victims of sexual assault; amending
2 RCW 43.330.470, 66.08.2601, 66.08.260, and 66.08.170; amending 2015 c
3 247 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding a
4 new section to chapter 43.10 RCW; adding a new section to chapter
5 70.125 RCW; adding new sections to chapter 43.101 RCW; creating a new
6 section; prescribing penalties; providing an effective date;
7 providing an expiration date; and declaring an emergency.

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

9 **PART I - COLD CASE INVESTIGATIONS**

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.10
11 RCW to read as follows:

12 (1) The attorney general may: (a) Support law enforcement
13 officials in the investigation of cold cases involving sexual
14 assault; (b) support prosecutors in the litigation of cold cases
15 involving sexual assault; and (c) conduct seminars and training
16 sessions on the prosecution of cold cases involving sexual assault.

17 (2) Except as otherwise authorized in this chapter, support
18 provided in subsection (1) of this section must be upon agreement
19 with the local law enforcement agency or prosecuting attorney. An
20 agreement may include assistance with investigations or prosecutions,

1 conducting the investigations or prosecutions on behalf of the agency
2 or prosecuting attorney, or both, when deemed appropriate by the
3 attorney general and applicable entity. If the attorney general is
4 authorized by the prosecuting attorney to prosecute a case or cases
5 on his or her behalf, the attorney general shall have the same powers
6 as would otherwise be vested in the prosecuting attorney under the
7 law. An agreement authorizing the attorney general to prosecute a
8 case or cases on behalf of the prosecuting attorney shall be
9 communicated in writing to the attorney general as provided for in
10 RCW 43.10.232 (2) and (3).

11 (3) The attorney general is encouraged to seek federal and other
12 grant funds to support investigations and prosecutions of cold cases
13 involving sexual assault, particularly those cases tied to
14 unsubmitted sexual assault kits.

15 (4) The attorney general shall, to the extent feasible, consult
16 with and utilize community-based victim advocates when supporting law
17 enforcement or prosecutors under this section.

18 (5) For the purposes of this section:

19 (a) "Cold case" refers to any criminal investigation where
20 initial investigative leads have been exhausted or where significant
21 time has passed without investigative results or the filing of
22 charges. "Cold case" includes, but it not limited to, cases tied to
23 previously unsubmitted sexual assault kits.

24 (b) "Unsubmitted sexual assault kit" has the same meaning as
25 provided in section 2 of this act.

26 **PART II - WASHINGTON SEXUAL ASSAULT KIT INITIATIVE PILOT PROJECT**

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.125
28 RCW to read as follows:

29 (1) Subject to the availability of amounts appropriated for this
30 specific purpose, the Washington sexual assault initiative pilot
31 project is created within the office of the attorney general. The
32 attorney general shall administer the project.

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

1 (3) In administering the project, the attorney general has the
2 following powers and duties:

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

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

6 (c) Award grants and disburse funds to two eligible applicants,
7 one located in western Washington and one located in eastern
8 Washington;

9 (d) Adopt necessary policies and procedures to implement and
10 administer the program;

11 (e) Monitor use of grant funds and compliance with the grant
12 requirements;

13 (f) Create and implement reporting requirements for grant
14 recipients;

15 (g) Facilitate the hosting of a sexual assault kit summit in the
16 state of Washington through a grant recipient or directly through the
17 office of the attorney general, subject to the availability of funds,
18 which may include a combination of public and private dollars
19 allocated for the particular purpose; and

20 (h) Report to the appropriate committees of the legislature, the
21 joint legislative task force on sexual assault forensic examination
22 best practices, and the governor by December 1, 2017, and each
23 December 1st of each subsequent year the project is funded and
24 operating, regarding the status of grant awards, the progress of the
25 grant recipients toward the identified goals in this section, the
26 data required by subsection (4) of this section, and any other
27 relevant information or recommendations related to the project or
28 sexual assault kit policies.

29 (4) Grant recipients must:

30 (a) Perform an inventory of all unsubmitted sexual assault kits
31 in the jurisdiction's possession regardless of where they are stored
32 and submit those sexual assault kits for forensic analysis through
33 the Washington state patrol or another laboratory with the permission
34 of the Washington state patrol;

35 (b) Establish a multidisciplinary cold case or sexual assault
36 investigation unit or units for follow-up investigations and
37 prosecutions resulting from evidence from the testing of previously
38 unsubmitted sexual assault kits. Cold case or sexual assault
39 investigative units must: Include prosecutors, law enforcement, and
40 victim advocates for the duration of the project; use victim-

1 centered, trauma-informed protocols, including for victim
2 notification; and use protocols and policies established by the
3 attorney general. The grant funds may support personnel costs,
4 including hiring and overtime, to allow for adequate follow-up
5 investigations and prosecutions. Grant awards must be prioritized for
6 eligible applicants with a commitment to colocate assigned
7 prosecutors, law enforcement, and victim advocates for the duration
8 of the grant program;

9 (c) Require participants in the multidisciplinary cold case or
10 sexual assault investigation unit or units to participate in and
11 complete specialized training for victim-centered, trauma-informed
12 investigation and prosecutions;

13 (d) Identify and address individual level, organizational level,
14 and systemic factors that lead to unsubmitted sexual assault kits in
15 the jurisdiction and development of a comprehensive strategy to
16 address the issues, including effecting changes in practice,
17 protocol, and organizational culture, and implementing evidence-
18 based, victim-centered, trauma-informed practices and protocols;

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

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

24 (g) Track and report the following data to the attorney general,
25 in addition to any data required by the attorney general: The number
26 of kits inventoried; the dates collected and submitted for testing;
27 the number of kits tested; the number of kits with information
28 eligible for entry into the combined DNA index system; the number of
29 combined DNA index system hits; the number of identified suspects;
30 including serial perpetrators; the number of investigations conducted
31 and cases reviewed; the number of charges filed; and the number of
32 convictions.

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

35 (a) Create and employ training in relation to sexual assault
36 evidence, victimization and trauma response, and other related topics
37 to improve the quality and outcomes of sexual assault investigations
38 and prosecutions;

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

1 (c) Develop evidence collection, retention, victim notification,
2 and other protocols needed to optimize data sharing, case
3 investigation, prosecution, and victim support.

4 (6) For the purposes of this section:

5 (a) "Eligible applicants" include: Law enforcement agencies,
6 units of local government, or combination of units of local
7 government, prosecutor's offices, or a governmental nonlaw
8 enforcement agency acting as fiscal agent for one of the previously
9 listed types of eligible applicants. A combination of jurisdictions,
10 including contiguous jurisdictions of multiple towns, cities, or
11 counties, may create a task force or other entity for the purposes of
12 applying for and receiving a grant, provided that the relevant
13 prosecutors and law enforcement agencies are acting in partnership in
14 complying with the grant requirements.

15 (b) "Project" means the Washington sexual assault initiative
16 pilot project created in this section.

17 (c) "Unsubmitted sexual assault kit" are sexual assault kits that
18 have not been submitted to a forensic laboratory for testing with the
19 combined DNA index system-eligible DNA methodologies as of the
20 effective date of the mandatory testing law in RCW 70.125.090.
21 Unsubmitted sexual assault kits includes partially tested sexual
22 assault kits, which are sexual assault kits that have only been
23 subjected to serological testing, or that have previously been tested
24 only with noncombined DNA index system-eligible DNA methodologies.
25 The project does not include untested sexual assault kits that have
26 been submitted to forensic labs for testing with combined DNA index
27 system-eligible DNA methodologies but are delayed for testing as a
28 result of a backlog of work in the laboratory.

29 **Sec. 3.** 2015 c 247 s 2 (uncodified) is amended to read as
30 follows:

31 (1)(a) ((A)) The joint legislative task force on sexual assault
32 forensic examination best practices is established ((to review)) for
33 the purpose of reviewing best practice models for managing all
34 aspects of sexual assault examinations and for reducing the number of
35 untested sexual assault examination kits in Washington state that
36 were collected prior to the effective date of this section.

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

1 (ii) The caucus leaders from the house of representatives shall
2 appoint one member from each of the two largest caucuses of the house
3 of representatives.

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

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

7 (I) The Washington state patrol;

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

9 (III) The Washington association of prosecuting attorneys;

10 (IV) The Washington defender association or the Washington
11 association of criminal defense lawyers;

12 (V) The Washington association of cities;

13 (VI) The Washington association of county officials;

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

15 (VIII) The office of crime victims advocacy;

16 (IX) The Washington state hospital association;

17 (X) The Washington state forensic investigations council;

18 (XI) A public institution of higher education as defined in RCW
19 28B.10.016; (~~and~~)

20 (XII) A private higher education institution as defined in RCW
21 28B.07.020; and

22 (XIII) The office of the attorney general; and

23 (B) Two members representing survivors of sexual assault.

24 (b) The task force shall choose two cochairs from among its
25 legislative membership. The legislative membership shall convene the
26 initial meeting of the task force.

27 (2) The duties of the task force include, but are not limited to:

28 (a) Researching and determining the number of untested sexual
29 assault examination kits in Washington state;

30 (b) Researching the locations where the untested sexual assault
31 examination kits are stored;

32 (c) Researching, reviewing, and making recommendations regarding
33 legislative policy options for reducing the number of untested sexual
34 assault examination kits;

35 (d) Researching the best practice models both in state and from
36 other states for collaborative responses to victims of sexual assault
37 from the point the sexual assault examination kit is collected to the
38 conclusion of the investigation and providing recommendations
39 regarding any existing gaps in Washington and resources that may be
40 necessary to address those gaps; and

1 (e) Researching, identifying, and making recommendations for
2 securing nonstate funding for testing the sexual assault examination
3 kits, and reporting on progress made toward securing such funding.

4 (3) Staff support for the task force must be provided by the
5 senate committee services and the house of representatives office of
6 program research.

7 (4) Legislative members of the task force must be reimbursed for
8 travel expenses in accordance with RCW 44.04.120. Nonlegislative
9 members, except those representing an employer or organization, are
10 entitled to be reimbursed for travel expenses in accordance with RCW
11 43.03.050 and 43.03.060.

12 (5) The expenses of the task force must be paid jointly by the
13 senate and the house of representatives. Task force expenditures are
14 subject to approval by the senate facilities and operations committee
15 and the house of representatives executive rules committee, or their
16 successor committees.

17 (6) The first meeting of the task force must occur prior to
18 October 1, 2015. The task force shall submit a preliminary report
19 regarding its initial findings and recommendations to the appropriate
20 committees of the legislature and the governor no later than December
21 1, 2015.

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

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

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

28 **PART III - TRAINING**

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

31 (1) The commission shall provide ongoing specialized, intensive,
32 and integrative training for persons responsible for investigating
33 sexual assault cases involving adult victims. The training must be
34 based on a victim-centered, trauma-informed approach to responding to
35 sexual assault. Among other subjects, the training must include
36 content on the neurobiology of trauma and trauma-informed
37 interviewing, counseling, and investigative techniques.

1 (2) The training must: Be based on research-based practices and
2 standards; offer participants an opportunity to practice interview
3 skills and receive feedback from instructors; minimize the trauma of
4 all persons who are interviewed during abuse investigations; provide
5 methods of reducing the number of investigative interviews necessary
6 whenever possible; assure, to the extent possible, that investigative
7 interviews are thorough, objective, and complete; recognize needs of
8 special populations; recognize the nature and consequences of
9 victimization; require investigative interviews to be conducted in a
10 manner most likely to permit the interviewed persons the maximum
11 emotional comfort under the circumstances; address record retention
12 and retrieval; and address documentation of investigative interviews.

13 (3) In developing the training, the commission shall seek advice
14 from the Washington association of sheriffs and police chiefs, the
15 Washington coalition of sexual assault programs, and experts on
16 sexual assault and the neurobiology of trauma. The commission shall
17 consult with the Washington association of prosecuting attorneys in
18 an effort to design training containing consistent elements for all
19 professionals engaged in interviewing and interacting with sexual
20 assault victims in the criminal justice system.

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

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

27 By July 1, 2018, the commission shall incorporate victim-
28 centered, trauma-informed approaches to policing in the basic law
29 enforcement training curriculum. In modifying the curriculum, the
30 commission shall seek advice from the Washington coalition of sexual
31 assault programs and other experts on sexual assault and the
32 neurobiology of trauma.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101
34 RCW to read as follows:

35 (1) By July 1, 2018, the commission shall develop training on a
36 victim-centered, trauma-informed approach to interacting with victims
37 and responding to sexual assault calls. The curriculum must: Be
38 designed for commissioned patrol officers not regularly assigned to

1 investigate sexual assault cases; be designed for deployment and use
2 within individual law enforcement agencies; include features allowing
3 for it to be used in different environments, which may include
4 multimedia or video components; allow for law enforcement agencies to
5 host it in small segments at different times over several days or
6 weeks, including roll calls. The training must include components on
7 available resources for victims including, but not limited to,
8 material on and references to community-based victim advocates.

9 (2) In developing the training, the commission shall seek advice
10 from the Washington association of sheriffs and police chiefs, the
11 Washington coalition of sexual assault programs, and experts on
12 sexual assault and the neurobiology of trauma.

13 (3) Beginning in 2018, all law enforcement agencies shall
14 annually host the training for commissioned peace officers. All law
15 enforcement agencies shall, to the extent feasible, consult with and
16 feature local community-based victim advocates during the training.

17 **PART IV - FUNDING**

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

23 (2) The legislature must prioritize appropriations from the
24 account for: The Washington sexual assault kit initiative pilot
25 project created in section 2 of this act; the office of crime victims
26 advocacy for the purpose of providing support and services, including
27 educational and vocational training, to victims of sexual assault and
28 trafficking; victim-centered, trauma-informed training for
29 prosecutors, law enforcement, and victim advocates, including, but
30 not limited to, the training in sections 4 through 6 of this act; the
31 Washington state patrol for the purpose of funding the statewide
32 sexual assault kit tracking system and funding the forensic analysis
33 of sexual assault kits.

34 **Sec. 8.** RCW 43.330.470 and 2016 c 173 s 9 are each amended to
35 read as follows:

36 (1) The Washington sexual assault kit program is created within
37 the department for the purpose of accepting private funds

1 ~~((conducting))~~ to fund forensic analysis of sexual assault kits in
2 the possession of law enforcement agencies but not submitted for
3 analysis as of July 24, 2015, and to fund other related programs
4 aimed at improving the public's response to sexual assault. The
5 director may accept gifts, grants, donations, or moneys from any
6 source for deposit in the Washington sexual assault kit account
7 created under subsection (2) of this section.

8 (2) The Washington sexual assault kit account is created in the
9 custody of the state treasurer. Funds deposited in the Washington
10 sexual assault kit account may be used for the Washington sexual
11 assault kit program established under this section. The Washington
12 sexual assault kit account is subject to allotment procedures under
13 chapter 43.88 RCW, but an appropriation is not required for
14 expenditures.

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

18 (a) Eighty-five percent of the funds for the Washington state
19 patrol bureau of forensic laboratory services for the purpose of
20 conducting forensic analysis of sexual assault kits in the possession
21 of law enforcement agencies but not submitted for forensic analysis
22 as of July 24, 2015; and

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

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

30 (i) Thirty percent for attorney general for the purpose of
31 funding the sexual assault initiative pilot project created in
32 section 2 of this act;

33 (ii) Thirty percent for the Washington state patrol bureau of
34 forensic laboratory services for the purpose of conducting forensic
35 analysis of sexual assault kits in the possession of law enforcement
36 agencies but not submitted for forensic analysis as of July 24, 2015,
37 unless the Washington state patrol bureau of forensic laboratory
38 services deems that the funds are not necessary for this purpose, in
39 which case the funds shall be divided equally for the purposes
40 outlined in (b)(i), (iii), and (iv) of this subsection;

1 (iii) Thirty percent for the criminal justice training commission
2 for the training in sections 4 through 6 of this act;

3 (iv) Ten percent for the office of crime victims advocacy in the
4 department for the purpose of providing services to victims of sexual
5 assault and training for professionals interacting with and providing
6 services to victims of sexual assault.

7 (b) With the consent of the department, a grantor of funds may
8 enter into an agreement with the department for a different
9 allocation of funds specified in (a) of this subsection, provided
10 that the funds are distributed for the purpose of the program created
11 in this section. Within thirty days of entering into an agreement
12 under this subsection (5)(b), the department shall notify the sexual
13 assault forensic examination best practices task force and the
14 appropriate committees of the legislature.

15 (6) This section expires June 30, 2022.

16 **Sec. 9.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
17 2016 c 112 s 4 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
39 services on behalf of treasury funds including, but not limited to,

1 depository, safekeeping, and disbursement functions for the state
2 treasury and affected state agencies. The treasury income account is
3 subject in all respects to chapter 43.88 RCW, but no appropriation is
4 required for payments to financial institutions. Payments shall occur
5 prior to distribution of earnings set forth in subsection (4) of this
6 section.

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

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

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

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

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

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

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

6 **Sec. 10.** RCW 66.08.2601 and 2015 3rd sp.s. c 26 s 1 are each
7 amended to read as follows:

8 (1) A nonrefundable additional fee is imposed on all applications
9 and renewals of licenses and permits relating to spirits, wine, and
10 beer required under chapters 66.20 and 66.24 RCW, with the exception
11 of license issuance fees of seventeen percent of revenues owed by
12 spirits retail licensees under RCW 66.24.630(4)(a), and the five to
13 ten percent license issuance fee for spirits distributors under RCW
14 66.24.055(3). The fee applies to all applications and license
15 modifications received on or after the effective date of this section
16 and renewals where the date of license expiration is on or after June
17 30, 2015. The fee is equal to six and two tenths percent of the
18 licensing or permit fee due under chapters 66.20 and 66.24 RCW. If
19 the fee is not a whole dollar amount, the fee must be rounded up to
20 the next whole dollar.

21 (2) (~~This section expires June 30, 2017~~) All fees collected
22 under this section must be deposited in the sexual assault prevention
23 and response account created in section 7 of this act.

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

26 (1) The licensing and enforcement system modernization project
27 account is created in the custody of the state treasurer. All
28 receipts from RCW (~~66.08.2601 and~~) 66.08.2602 must be deposited
29 into the account. Expenditures from the account may be only used for
30 the expenses of replacing and modernizing the board's licensing,
31 enforcement, and imaging system. The expenditures may be expended for
32 automation of licenses and permits, electronic payments, data
33 warehousing, project management and system testing, consulting,
34 contracting, and staff time, and any necessary data conversion,
35 software, hardware, and related equipment costs. Before making
36 expenditures from the account, the board must conduct a thorough
37 business process examination to ensure the new system provides
38 efficient and effective service delivery. As part of the examination,

1 the board must evaluate and articulate how any new system procurement
2 serves the current and future needs of the internal and external
3 stakeholders, the customers, and the public. Only the director of the
4 board or the director's designee may authorize expenditures from the
5 account. The account is subject to allotment procedures under chapter
6 43.88 RCW, but an appropriation is not required for expenditures.

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

8 **Sec. 12.** RCW 66.08.170 and 2015 3rd sp.s. c 4 s 966 are each
9 amended to read as follows:

10 There shall be a fund, known as the "liquor revolving fund,"
11 which (~~shall~~) consists of all license fees, permit fees, penalties,
12 forfeitures, and all other moneys, income, or revenue received by the
13 board, except as provided otherwise in RCW 66.08.2601. The state
14 treasurer shall be custodian of the fund. All moneys received by the
15 board or any employee thereof, except for change funds and an amount
16 of petty cash as fixed by the board within the authority of law shall
17 be deposited each day in a depository approved by the state treasurer
18 and transferred to the state treasurer to be credited to the liquor
19 revolving fund. During the 2009-2011 fiscal biennium, the legislature
20 may transfer funds from the liquor revolving (~~account~~~~[fund]~~) fund
21 to the state general fund and may direct an additional amount of
22 liquor profits to be distributed to local governments. Neither the
23 transfer of funds nor the additional distribution of liquor profits
24 to local governments during the 2009-2011 fiscal biennium may reduce
25 the excess fund distributions that otherwise would occur under RCW
26 66.08.190. During the 2011-2013 fiscal biennium, the state treasurer
27 shall transfer from the liquor revolving fund to the state general
28 fund forty-two million five hundred thousand dollars for fiscal year
29 2012 and forty-two million five hundred thousand dollars for fiscal
30 year 2013. The transfer during the 2011-2013 fiscal biennium may not
31 reduce the excess fund distributions that otherwise would occur under
32 RCW 66.08.190. Sales to licensees are exempt from any liquor price
33 increases that may result from the transfer of funds from the liquor
34 revolving fund to the state general fund during the 2011-2013 fiscal
35 biennium. Disbursements from the revolving fund shall be on
36 authorization of the board or a duly authorized representative
37 thereof. In order to maintain an effective expenditure and revenue
38 control the liquor revolving fund shall be subject in all respects to
39 chapter 43.88 RCW but no appropriation shall be required to permit

1 expenditures and payment of obligations from such fund. During the
2 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer
3 from the liquor revolving fund to the state general fund such amounts
4 as reflect the excess fund balance of the account.

5 NEW SECTION. **Sec. 13.** Section 10 of this act is necessary for
6 the immediate preservation of the public peace, health, or safety, or
7 support of the state government and its existing public institutions,
8 and takes effect June 30, 2017.

9 NEW SECTION. **Sec. 14.** Section 8 of this act expires June 30,
10 2022.

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