
HOUSE BILL 2705

State of Washington

58th Legislature

2004 Regular Session

By Representatives Dunshee, Alexander, Lovick, Armstrong, Wallace, Miloscia, Jarrett, Murray, Hankins, Schual-Berke, Boldt, O'Brien, Newhouse, Eickmeyer, Orcutt, Hunt, Kagi, Simpson, G., Clibborn, Grant, Sehlin, Pearson, Tom, Moeller, Romero, Nixon, Anderson, Talcott, Conway, Kenney, Upthegrove, Morrell and Wood

Read first time 01/20/2004. Referred to Committee on Capital Budget.

1 AN ACT Relating to the developmental disabilities community trust
2 account; reenacting and amending RCW 43.84.092 and 43.84.092; adding
3 new sections to chapter 71A.20 RCW; creating a new section; providing
4 an effective date; providing an expiration date; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that: There are unmet
8 needs for community-based services for persons with developmental
9 disabilities and excess resources at residential habilitation centers
10 unrelated to current residential habilitation center operations;
11 funding shortfalls in the 2003-2005 biennium and beyond may adversely
12 impact the ability of the state to fund programs for growing numbers of
13 unserved persons with developmental disabilities who need
14 community-based services; and statistics generated by the department of
15 social and health services' division of developmental disabilities
16 demonstrate a growing caseload with insufficient funding and planning
17 to address this growth.

18 The December 4, 2002, capital study of the division of
19 developmental disabilities residential habilitation centers by the

1 joint legislative audit and review committee identifies options to
2 dispose of excess property at Lakeland Village, Rainier School, and
3 Yakima Valley School that would not impact current residential
4 habilitation center operations.

5 It is the intent of the legislature to dispose of excess capital
6 properties at residential habilitation centers for persons with
7 developmental disabilities and to place the proceeds from their
8 disposal into a perpetual trust account for unserved persons with
9 developmental disabilities waiting for community-based developmental
10 disability services.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.20 RCW
12 to read as follows:

13 (1) By December 1, 2004, excess property and harvestable timber
14 identified in the 2002 joint legislative audit and review committee
15 capital study of the division of developmental disabilities residential
16 habilitation centers must be disposed of and the proceeds deposited
17 into the developmental disabilities community trust account. Proceeds
18 from future disposal of excess or unused lands at the residential
19 habilitation centers must be deposited into the developmental
20 disabilities community trust account within ninety days of the date of
21 their disposal.

22 (2) As used in this act, "disposal" means the sale or lease at fair
23 market value, or other transaction involving lands, timber, or other
24 natural resources of the residential habilitation centers.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.20 RCW
26 to read as follows:

27 The developmental disabilities community trust account is created
28 in the state treasury. All proceeds from the disposal of any building,
29 facility, timber, or tract of land not held in trust at any of the
30 residential habilitation centers identified in this chapter must be
31 deposited into this account. "Proceeds" include the net receipts from
32 the disposal of all or a portion of the properties. Only investment
33 income from the principal of the proceeds deposited into the trust
34 account may be spent from the account. Investment income from the
35 account may be spent only after appropriation and must be used solely
36 for community developmental disability services for persons with

1 developmental disabilities who are unserved. Moneys in the account may
2 not be used to supplant ongoing expenditures for community services to
3 persons with developmental disabilities.

4 **Sec. 4.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
5 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

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

24 (3) Except for the provisions of RCW 43.84.160, the treasury income
25 account may be utilized for the payment of purchased banking services
26 on behalf of treasury funds including, but not limited to, depository,
27 safekeeping, and disbursement functions for the state treasury and
28 affected state agencies. The treasury income account is subject in all
29 respects to chapter 43.88 RCW, but no appropriation is required for
30 payments to financial institutions. Payments shall occur prior to
31 distribution of earnings set forth in subsection (4) of this 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 treasury
35 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

1 average daily balance for the period: The capitol building
2 construction account, the Cedar River channel construction and
3 operation account, the Central Washington University capital projects
4 account, the charitable, educational, penal and reformatory
5 institutions account, the common school construction fund, the county
6 criminal justice assistance account, the county sales and use tax
7 equalization account, the data processing building construction
8 account, the deferred compensation administrative account, the deferred
9 compensation principal account, the department of retirement systems
10 expense account, the developmental disabilities community trust
11 account, the drinking water assistance account, the drinking water
12 assistance administrative account, the drinking water assistance
13 repayment account, the Eastern Washington University capital projects
14 account, the education construction fund, the election account, the
15 emergency reserve fund, The Evergreen State College capital projects
16 account, the federal forest revolving account, the health services
17 account, the public health services account, the health system capacity
18 account, the personal health services account, the state higher
19 education construction account, the higher education construction
20 account, the highway infrastructure account, the industrial insurance
21 premium refund account, the judges' retirement account, the judicial
22 retirement administrative account, the judicial retirement principal
23 account, the local leasehold excise tax account, the local real estate
24 excise tax account, the local sales and use tax account, the medical
25 aid account, the mobile home park relocation fund, the multimodal
26 transportation account, the municipal criminal justice assistance
27 account, the municipal sales and use tax equalization account, the
28 natural resources deposit account, the oyster reserve land account, the
29 perpetual surveillance and maintenance account, the public employees'
30 retirement system plan 1 account, the public employees' retirement
31 system combined plan 2 and plan 3 account, the public facilities
32 construction loan revolving account beginning July 1, 2004, the public
33 health supplemental account, the Puyallup tribal settlement account,
34 the regional transportation investment district account, the resource
35 management cost account, the site closure account, the special wildlife
36 account, the state employees' insurance account, the state employees'
37 insurance reserve account, the state investment board expense account,
38 the state investment board commingled trust fund accounts, the

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

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

1 account, the safety and education account, the special category C
2 account, the state patrol highway account, the transportation 2003
3 account (nickel account), the transportation equipment fund, the
4 transportation fund, the transportation improvement account, the
5 transportation improvement board bond retirement account, and the urban
6 arterial trust account.

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

10 **Sec. 5.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
11 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
12 follows:

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

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

31 (3) Except for the provisions of RCW 43.84.160, the treasury income
32 account may be utilized for the payment of purchased banking services
33 on behalf of treasury funds including, but not limited to, depository,
34 safekeeping, and disbursement functions for the state treasury and
35 affected state agencies. The treasury income account is subject in all
36 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the treasury
6 income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The capitol building
10 construction account, the Cedar River channel construction and
11 operation account, the Central Washington University capital projects
12 account, the charitable, educational, penal and reformatory
13 institutions account, the common school construction fund, the county
14 criminal justice assistance account, the county sales and use tax
15 equalization account, the data processing building construction
16 account, the deferred compensation administrative account, the deferred
17 compensation principal account, the department of retirement systems
18 expense account, the developmental disabilities community trust
19 account, the drinking water assistance account, the drinking water
20 assistance administrative account, the drinking water assistance
21 repayment account, the Eastern Washington University capital projects
22 account, the education construction fund, the election account, the
23 emergency reserve fund, The Evergreen State College capital projects
24 account, the federal forest revolving account, the health services
25 account, the public health services account, the health system capacity
26 account, the personal health services account, the state higher
27 education construction account, the higher education construction
28 account, the highway infrastructure account, the industrial insurance
29 premium refund account, the judges' retirement account, the judicial
30 retirement administrative account, the judicial retirement principal
31 account, the local leasehold excise tax account, the local real estate
32 excise tax account, the local sales and use tax account, the medical
33 aid account, the mobile home park relocation fund, the multimodal
34 transportation account, the municipal criminal justice assistance
35 account, the municipal sales and use tax equalization account, the
36 natural resources deposit account, the oyster reserve land account, the
37 perpetual surveillance and maintenance account, the public employees'
38 retirement system plan 1 account, the public employees' retirement

1 system combined plan 2 and plan 3 account, the public facilities
2 construction loan revolving account beginning July 1, 2004, the public
3 health supplemental account, the public works assistance account, the
4 Puyallup tribal settlement account, the regional transportation
5 investment district account, the resource management cost account, the
6 site closure account, the special wildlife account, the state
7 employees' insurance account, the state employees' insurance reserve
8 account, the state investment board expense account, the state
9 investment board commingled trust fund accounts, the supplemental
10 pension account, the Tacoma Narrows toll bridge account, the teachers'
11 retirement system plan 1 account, the teachers' retirement system
12 combined plan 2 and plan 3 account, the tobacco prevention and control
13 account, the tobacco settlement account, the transportation
14 infrastructure account, the tuition recovery trust fund, the University
15 of Washington bond retirement fund, the University of Washington
16 building account, the volunteer fire fighters' and reserve officers'
17 relief and pension principal fund, the volunteer fire fighters' and
18 reserve officers' administrative fund, the Washington fruit express
19 account, the Washington judicial retirement system account, the
20 Washington law enforcement officers' and fire fighters' system plan 1
21 retirement account, the Washington law enforcement officers' and fire
22 fighters' system plan 2 retirement account, the Washington school
23 employees' retirement system combined plan 2 and 3 account, the
24 Washington state health insurance pool account, the Washington state
25 patrol retirement account, the Washington State University building
26 account, the Washington State University bond retirement fund, the
27 water pollution control revolving fund, and the Western Washington
28 University capital projects account. Earnings derived from investing
29 balances of the agricultural permanent fund, the normal school
30 permanent fund, the permanent common school fund, the scientific
31 permanent fund, and the state university permanent fund shall be
32 allocated to their respective beneficiary accounts. All earnings to be
33 distributed under this subsection (4)(a) shall first be reduced by the
34 allocation to the state treasurer's service fund pursuant to RCW
35 43.08.190.

36 (b) The following accounts and funds shall receive eighty percent
37 of their proportionate share of earnings based upon each account's or
38 fund's average daily balance for the period: The aeronautics account,

1 the aircraft search and rescue account, the county arterial
2 preservation account, the department of licensing services account, the
3 essential rail assistance account, the ferry bond retirement fund, the
4 grade crossing protective fund, the high capacity transportation
5 account, the highway bond retirement fund, the highway safety account,
6 the motor vehicle fund, the motorcycle safety education account, the
7 pilotage account, the public transportation systems account, the Puget
8 Sound capital construction account, the Puget Sound ferry operations
9 account, the recreational vehicle account, the rural arterial trust
10 account, the safety and education account, the special category C
11 account, the state patrol highway account, the transportation 2003
12 account (nickel account), the transportation equipment fund, the
13 transportation fund, the transportation improvement account, the
14 transportation improvement board bond retirement account, and the urban
15 arterial trust account.

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

19 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately, except for section 5 of this act which takes effect July
23 1, 2005.

24 NEW SECTION. **Sec. 7.** Section 4 of this act expires July 1, 2005.

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