

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2357

Chapter 161, Laws of 2016

64th Legislature
2016 Regular Session

POLLUTION LIABILITY INSURANCE AGENCY--PETROLEUM UNDERGROUND STORAGE
TANKS--LOAN AND GRANT PROGRAM

EFFECTIVE DATE: 6/9/2016 - Except for sections 1 through 13, which
take effect 7/1/2016.

Passed by the House February 10, 2016
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2016
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 1, 2016 3:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE HOUSE BILL 2357 as
passed by House of Representatives
and the Senate on the dates hereon
set forth.

BARBARA BAKER

Chief Clerk

FILED

April 4, 2016

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2357

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By House Environment (originally sponsored by Representatives Peterson, Young, S. Hunt, Fitzgibbon, Kirby, Buys, Pollet, and Kretz; by request of Pollution Liability Insurance Agency)

READ FIRST TIME 01/29/16.

1 AN ACT Relating to the authority of the pollution liability
2 insurance agency; amending RCW 70.148.020, 70.148.900, 70.149.900,
3 82.23A.020, and 82.23A.902; reenacting and amending RCW 43.84.092;
4 adding a new chapter to Title 70 RCW; creating a new section;
5 repealing RCW 70.148.120, 70.148.130, 70.148.140, 70.148.150,
6 70.148.160, and 70.148.170; providing an effective date; and
7 providing expiration dates.

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

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

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires
19 otherwise.

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

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

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

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

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

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

16 (7) "Remedial action" has the same meaning as defined in RCW
17 70.105D.020.

18 (8) "Underground storage tank facility" means the location where
19 one or more underground storage tank systems are installed. A
20 facility encompasses all contiguous real property under common
21 ownership associated with the operation of the underground storage
22 tank system or systems.

23 (9) "Underground storage tank system" means an underground
24 storage tank, connected underground piping, underground ancillary
25 equipment, and containment system, if any, and includes any
26 aboveground ancillary equipment connected to the underground storage
27 tank or piping, such as dispensers.

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

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

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

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

6 (d) Install and subsequently remove a temporary petroleum
7 aboveground storage tank system in compliance with applicable laws,
8 when conducted in conjunction with either (a) or (b) of this
9 subsection.

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

13 NEW SECTION. **Sec. 4.** (1) A recipient of a loan or grant may not
14 use these funds to conduct remedial actions of a release or
15 threatened release from a petroleum underground storage tank system
16 requiring financial assurances under chapter 90.76 RCW or subtitle I
17 of the solid waste disposal act (42 U.S.C., chapter 82, subchapter
18 IX) unless the owner or operator:

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

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

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

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

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

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

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

35 (3) The department of health may collect, from persons requesting
36 financial assistance, loan origination fees to cover costs incurred
37 by the department of health in operating the financial assistance
38 program.

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

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

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

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

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

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

16 (ii) Enter upon the real property to conduct remedial actions
17 limited to those authorized by the owner or operator. Remedial
18 actions must be focused on maintaining the economic vitality of the
19 property. The agency or the agency's authorized representatives shall
20 give reasonable notice before entering property unless an emergency
21 prevents the notice; and

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

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

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

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

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

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

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

12 (a) The agency shall send the notice by certified mail to the
13 underground storage tank facility owner and mortgagees of record at
14 the addresses listed in the recorded documents. If the underground
15 storage tank facility owner is unknown or if a mailed notice is
16 returned as undeliverable, the agency shall provide notice by posting
17 a legal notice in the newspaper of largest circulation in the county
18 in which the site is located. The notice must provide:

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

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

22 (iii) A statement of the remedial action costs incurred by the
23 agency.

24 (b) If the agency has reason to believe that exigent
25 circumstances require the filing of a lien prior to giving notice
26 under this subsection, the agency may file the lien immediately.
27 Exigent circumstances include, but are not limited to, an imminent
28 bankruptcy filing by the underground storage tank facility owner or
29 the imminent transfer or sale of the real property subject to lien by
30 the underground storage tank facility owner, or both.

31 (3) A lien filed under this section is effective when a statement
32 of lien is filed with the county auditor in the county where the
33 underground storage tank facility is located. The statement of lien
34 must include a description of the real property subject to lien and
35 the amount of the lien.

36 (4) Unless the agency determines it is in the public interest to
37 remove the lien, the lien continues until the liabilities for the
38 remedial action costs have been satisfied through sale of the real
39 property, foreclosure, or other means agreed to by the agency. Any
40 action for foreclosure of the lien must be brought by the attorney

1 general in a civil action in the court having jurisdiction and in the
2 manner prescribed for judicial foreclosure of a mortgage under
3 chapter 61.24 RCW.

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

6 NEW SECTION. **Sec. 8.** (1) The pollution liability insurance
7 agency underground storage tank revolving account is created in the
8 state treasury. All receipts from sources identified under subsection
9 (2) of this section must be deposited into the account. Moneys in the
10 account may be spent only after appropriation. Expenditures from the
11 account may be used only for items identified under subsection (3) of
12 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 9.** By September 1st of each even-numbered
36 year, the agency must provide the office of financial management and
37 the appropriate legislative committees a report on the agency's
38 activities supported by expenditures from the pollution liability

1 insurance agency underground storage tank revolving account. The
2 report must at a minimum include:

3 (1) The amount of money the legislature appropriated from the
4 pollution liability insurance agency underground storage tank
5 revolving account under section 8 of this act during the last
6 biennium;

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

11 (3) For each loan and grant awarded during the previous biennium,
12 the name of the recipient, the location of the underground storage
13 tank facility, a description of the project and its status, the
14 amount loaned, and the amount repaid;

15 (4) For each underground storage tank facility where the agency
16 conducted remedial actions under section 6 of this act during the
17 previous biennium, the name and location of the site, the amount of
18 money used to conduct the remedial actions, the status of remedial
19 actions, whether liens were filed against the underground storage
20 tank facility under section 7 of this act, and the amount of money
21 recovered; and

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

24 NEW SECTION. **Sec. 10.** The agency must adopt rules under chapter
25 34.05 RCW necessary to carry out the provisions of this chapter. To
26 accelerate remedial actions, the agency shall enter into a memorandum
27 of agreement with the department of health under section 5 of this
28 act within one year of the effective date of this section. To ensure
29 the adoption of rules will not delay the award of a loan or grant,
30 the agency may implement the underground storage tank revolving
31 program through interpretative guidance pending adoption of rules.

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

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

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

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

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

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

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

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

20 NEW SECTION. **Sec. 14.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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

26 (1) The pollution liability insurance program trust account is
27 established in the custody of the state treasurer. All funds
28 appropriated for this chapter and all premiums collected for
29 reinsurance shall be deposited in the account. Except as provided in
30 chapter 70.--- RCW (the new chapter created in section 22 of this
31 act), expenditures from the account shall be used exclusively for the
32 purposes of this chapter including payment of costs of administering
33 the pollution liability insurance and underground storage tank
34 community assistance programs. Expenditures for payment of
35 administrative and operating costs of the agency are subject to the
36 allotment procedures under chapter 43.88 RCW and may be made only

1 after appropriation by statute. No appropriation is required for
2 other expenditures from the account.

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

7 ~~(3) ((Each calendar quarter the director shall determine the
8 amount of reserves necessary to fund commitments made to provide
9 financial assistance under RCW 70.148.130 to the extent that the
10 financial assistance reserves do not jeopardize the operations and
11 liabilities of the pollution liability insurance program. The
12 director shall notify the department of revenue of this amount by the
13 fifteenth day of each calendar quarter. The director may immediately
14 establish an initial financial assistance reserve of five million
15 dollars from available revenues. The director may not expend more
16 than fifteen million dollars for the financial assistance program.~~

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

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

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

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

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

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

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

30 (1) A tax is imposed on the privilege of possession of petroleum
31 products in this state. The rate of the tax shall be thirty one-
32 hundredths of one percent multiplied by the wholesale value of the
33 petroleum product. After July 1, 2021, the rate of tax is fifteen
34 one-hundredths of one percent multiplied by the wholesale value of
35 the petroleum product. For purposes of determining the tax imposed
36 under this section for petroleum products introduced at the rack, the
37 wholesale value is determined when the petroleum product is removed

1 at the rack unless the removal is to an exporter licensed under
2 chapter (~~(82.36 or)~~) 82.38 RCW for direct delivery to a destination
3 outside of the state. For all other cases, the wholesale value is
4 determined upon the first nonbulk possession in the state.

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

8 (3) Chapter 82.32 RCW applies to the tax imposed in this chapter.
9 The tax due dates, reporting periods, and return requirements
10 applicable to chapter 82.04 RCW apply equally to the tax imposed in
11 this chapter.

12 (4) Within thirty days after the end of each calendar quarter the
13 department shall determine the "quarterly balance," which shall be
14 the cash balance in the pollution liability insurance program trust
15 account as of the last day of that calendar quarter, after excluding
16 the reserves determined for that quarter under RCW 70.148.020(2)
17 (~~and (3)~~). Balance determinations by the department under this
18 section are final and shall not be used to challenge the validity of
19 any tax imposed under this section. For each subsequent calendar
20 quarter, tax shall be imposed under this section during the entire
21 calendar quarter unless:

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

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

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

30 This chapter expires July 1, (~~(2020)~~) 2030, coinciding with the
31 expiration of chapter 70.148 RCW.

32 **Sec. 20.** RCW 43.84.092 and 2015 3rd sp.s. c 44 s 107 and 2015
33 3rd sp.s. c 12 s 3 are each reenacted and amended to read as follows:

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

37 (2) The treasury income account shall be utilized to pay or
38 receive funds associated with federal programs as required by the

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

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

24 (4) Monthly, the state treasurer shall distribute the earnings
25 credited to the treasury income account. The state treasurer shall
26 credit the general fund with all the earnings credited to the
27 treasury income account except:

28 (a) The following accounts and funds shall receive their
29 proportionate share of earnings based upon each account's and fund's
30 average daily balance for the period: The aeronautics account, the
31 aircraft search and rescue account, the Alaskan Way viaduct
32 replacement project account, the brownfield redevelopment trust fund
33 account, the budget stabilization account, the capital vessel
34 replacement account, the capitol building construction account, the
35 Cedar River channel construction and operation account, the Central
36 Washington University capital projects account, the charitable,
37 educational, penal and reformatory institutions account, the cleanup
38 settlement account, the Columbia river basin water supply development
39 account, the Columbia river basin taxable bond water supply
40 development account, the Columbia river basin water supply revenue

1 recovery account, the common school construction fund, the community
2 forest trust account, the connecting Washington account, the county
3 arterial preservation account, the county criminal justice assistance
4 account, the deferred compensation administrative account, the
5 deferred compensation principal account, the department of licensing
6 services account, the department of retirement systems expense
7 account, the developmental disabilities community trust account, the
8 diesel idle reduction account, the drinking water assistance account,
9 the drinking water assistance administrative account, the drinking
10 water assistance repayment account, the Eastern Washington University
11 capital projects account, the Interstate 405 express toll lanes
12 operations account, the education construction fund, the education
13 legacy trust account, the election account, the electric vehicle
14 charging infrastructure account, the energy freedom account, the
15 energy recovery act account, the essential rail assistance account,
16 The Evergreen State College capital projects account, the federal
17 forest revolving account, the ferry bond retirement fund, the freight
18 mobility investment account, the freight mobility multimodal account,
19 the grade crossing protective fund, the public health services
20 account, the high capacity transportation account, the state higher
21 education construction account, the higher education construction
22 account, the highway bond retirement fund, the highway infrastructure
23 account, the highway safety fund, the high occupancy toll lanes
24 operations account, the hospital safety net assessment fund, the
25 industrial insurance premium refund account, the judges' retirement
26 account, the judicial retirement administrative account, the judicial
27 retirement principal account, the local leasehold excise tax account,
28 the local real estate excise tax account, the local sales and use tax
29 account, the marine resources stewardship trust account, the medical
30 aid account, the mobile home park relocation fund, the motor vehicle
31 fund, the motorcycle safety education account, the multimodal
32 transportation account, the multiuse roadway safety account, the
33 municipal criminal justice assistance account, the natural resources
34 deposit account, the oyster reserve land account, the pension funding
35 stabilization account, the perpetual surveillance and maintenance
36 account, the pollution liability insurance agency underground storage
37 tank revolving account, the public employees' retirement system plan
38 1 account, the public employees' retirement system combined plan 2
39 and plan 3 account, the public facilities construction loan revolving
40 account beginning July 1, 2004, the public health supplemental

1 account, the public works assistance account, the Puget Sound capital
2 construction account, the Puget Sound ferry operations account, the
3 Puget Sound taxpayer accountability account, the real estate
4 appraiser commission account, the recreational vehicle account, the
5 regional mobility grant program account, the resource management cost
6 account, the rural arterial trust account, the rural mobility grant
7 program account, the rural Washington loan fund, the site closure
8 account, the skilled nursing facility safety net trust fund, the
9 small city pavement and sidewalk account, the special category C
10 account, the special wildlife account, the state employees' insurance
11 account, the state employees' insurance reserve account, the state
12 investment board expense account, the state investment board
13 commingled trust fund accounts, the state patrol highway account, the
14 state route number 520 civil penalties account, the state route
15 number 520 corridor account, the state wildlife account, the
16 supplemental pension account, the Tacoma Narrows toll bridge account,
17 the teachers' retirement system plan 1 account, the teachers'
18 retirement system combined plan 2 and plan 3 account, the tobacco
19 prevention and control account, the tobacco settlement account, the
20 toll facility bond retirement account, the transportation 2003
21 account (nickel account), the transportation equipment fund, the
22 transportation fund, the transportation future funding program
23 account, the transportation improvement account, the transportation
24 improvement board bond retirement account, the transportation
25 infrastructure account, the transportation partnership account, the
26 traumatic brain injury account, the tuition recovery trust fund, the
27 University of Washington bond retirement fund, the University of
28 Washington building account, the volunteer firefighters' and reserve
29 officers' relief and pension principal fund, the volunteer
30 firefighters' and reserve officers' administrative fund, the
31 Washington judicial retirement system account, the Washington law
32 enforcement officers' and firefighters' system plan 1 retirement
33 account, the Washington law enforcement officers' and firefighters'
34 system plan 2 retirement account, the Washington public safety
35 employees' plan 2 retirement account, the Washington school
36 employees' retirement system combined plan 2 and 3 account, the
37 Washington state health insurance pool account, the Washington state
38 patrol retirement account, the Washington State University building
39 account, the Washington State University bond retirement fund, the
40 water pollution control revolving administration account, the water

1 pollution control revolving fund, the Western Washington University
2 capital projects account, the Yakima integrated plan implementation
3 account, the Yakima integrated plan implementation revenue recovery
4 account, and the Yakima integrated plan implementation taxable bond
5 account. Earnings derived from investing balances of the agricultural
6 permanent fund, the normal school permanent fund, the permanent
7 common school fund, the scientific permanent fund, the state
8 university permanent fund, and the state reclamation revolving
9 account shall be allocated to their respective beneficiary accounts.

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

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

19 NEW SECTION. **Sec. 21.** (1) On July 1, 2016, if the cash balance
20 amount in the pollution liability insurance program trust account
21 exceeds seven million five hundred thousand dollars after excluding
22 the reserves under RCW 70.148.020(2), the state treasurer shall
23 transfer the amount exceeding seven million five hundred thousand
24 dollars, up to a transfer of ten million dollars, from the pollution
25 liability insurance program trust account into the pollution
26 liability insurance agency underground storage tank revolving
27 account.

28 (2) On July 1, 2017, and every two years thereafter at the start
29 of each successive biennium, if the cash balance amount in the
30 pollution liability insurance program trust account exceeds seven
31 million five hundred thousand dollars, the state treasurer shall
32 transfer the amount exceeding seven million five hundred thousand
33 dollars after excluding the reserves under RCW 70.148.020(2), up to a
34 transfer of twenty million dollars, from the pollution liability
35 insurance program trust account into the pollution liability
36 insurance agency underground storage tank revolving account. If
37 twenty million dollars is not available to be transferred at the
38 beginning of the first fiscal year of the biennium, on July 1st of
39 the subsequent fiscal year, if the cash balance amount in the

1 pollution liability insurance program trust account exceeds seven
2 million five hundred thousand dollars after excluding the reserves
3 under RCW 70.148.020(2), the state treasurer shall transfer the
4 amount exceeding seven million five hundred thousand dollars from the
5 pollution liability insurance program trust account into the
6 pollution liability insurance agency underground storage tank
7 revolving account. The total amount transferred in a biennium from
8 the pollution liability insurance program trust account into the
9 pollution liability insurance agency underground storage tank
10 revolving account may not exceed twenty million dollars.

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

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

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

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

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

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

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

25 (5) RCW 70.148.160 (Financial assistance—Rural hospitals) and
26 1991 c 4 s 5; and

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

Passed by the House February 10, 2016.

Passed by the Senate March 2, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

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