

CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE SENATE BILL 5616**

Chapter 157, Laws of 2022

67th Legislature  
2022 Regular Session

ACCOUNTS AND FUNDS—VARIOUS PROVISIONS

EFFECTIVE DATE: June 9, 2022—Except for section 2, which takes effect January 1, 2023.

Passed by the Senate February 11,  
2022

Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House March 3, 2022

Yeas 97 Nays 1

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 24, 2022 9:16 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5616** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

March 24, 2022

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE SENATE BILL 5616**

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Passed Legislature - 2022 Regular Session

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Transportation (originally sponsored by Senator Rolfes; by request of Office of Financial Management)

READ FIRST TIME 02/07/22.

1       AN ACT Relating to accounts; amending RCW 43.330.767, 46.68.067,  
2 38.52.105, 41.05.143, 41.06.280, 43.08.190, 43.09.475, 46.68.290,  
3 71.24.580, 82.08.170, and 90.50A.090; reenacting and amending RCW  
4 43.70.715, 43.155.050, 47.56.876, 79.105.150, and 82.14.310;  
5 reenacting and amending 2018 c 298 s 7008 (uncodified); reenacting  
6 RCW 43.79.550, 43.79.555, 43.79.557, and 28A.300.820; adding a new  
7 section to chapter 43.79 RCW; creating a new section; repealing RCW  
8 43.60A.153 and 43.79.467; and providing an effective date.

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

10       **Sec. 1.** RCW 43.330.767 and 2021 c 64 s 5 are each amended to  
11 read as follows:

12       (1) The manufacturing cluster acceleration (~~((subaccount—is~~  
13 ~~established in the economic development strategic reserve))~~ account  
14 is created in the state treasury. All receipts from appropriations  
15 made to the manufacturing cluster acceleration (~~((subaccount))~~) account  
16 shall be deposited into the (~~((subaccount))~~) account. Moneys in the  
17 account may be spent only after appropriation.

18       (2) The department may make expenditures from the (~~((subaccount))~~)  
19 account to support regional cluster acceleration strategies,  
20 including: Supporting projects to assist manufacturers to diversify  
21 their customer base and supply chain, supporting pilot or

1 demonstration manufacturing projects coordination with organized  
2 cluster initiatives, and supporting projects that are intended to  
3 increase manufacturing and research and development jobs regionally.

4 (3) The department is encouraged to seek match funds for any  
5 funds appropriated to this account (~~((subaccount))~~) and may utilize  
6 funds to match nonstate funds being expended on a specific project  
7 that aligns with the purpose of this section.

8 **Sec. 2.** RCW 46.68.067 and 2021 c 240 s 15 are each amended to  
9 read as follows:

10 The driver licensing technology support account is created (~~((as a~~  
11 ~~subaccount))~~) in the highway safety fund under RCW 46.68.060. Moneys  
12 in the (~~((subaccount))~~) account may be spent only after appropriation.  
13 Expenditures from the (~~((subaccount))~~) account may be used only for  
14 supporting information technology systems used by the department to  
15 communicate with the judicial information system, manage driving  
16 records, and implement court orders.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.79  
18 RCW to read as follows:

19 The clean energy transition workforce account is created in the  
20 state treasury. Moneys in the account may be spent only after  
21 appropriation. Expenditures from the account may be used only to  
22 support workers who are affected by the state's transition away from  
23 fossil fuels to a clean energy economy and associated program  
24 administrative expenses.

25 **Sec. 4.** RCW 43.79.550 and 2021 c 334 s 958 are each reenacted to  
26 read as follows:

27 The forest resiliency account is created in the state treasury.  
28 Revenues to the account shall consist of appropriations and transfers  
29 by the legislature and all other funding directed for deposit into  
30 the account. Moneys in the account may be spent only after  
31 appropriation. Expenditures from the account are dedicated to  
32 activities that include but are not limited to forest health, carbon  
33 sequestration, and any other activity that helps protect the forests  
34 of Washington.

35 **Sec. 5.** RCW 43.79.555 and 2021 c 334 s 1902 are each reenacted  
36 to read as follows:

1 The Washington rescue plan transition account is created in the  
2 state treasury. Moneys in the account may be spent only after  
3 appropriation. Revenues to the account consist of moneys directed by  
4 the legislature to the account. Allowable uses of moneys in the  
5 account include responding to the impacts of the COVID-19 pandemic  
6 including those related to education, human services, health care,  
7 and the economy. In addition, the legislature may appropriate from  
8 the account to continue activities begun with, or augmented with,  
9 COVID-19 related federal funding.

10 **Sec. 6.** RCW 43.79.557 and 2021 c 334 s 1903 are each reenacted  
11 to read as follows:

12 The coronavirus state fiscal recovery fund is created in the  
13 state treasury. Moneys in the account may be spent only after  
14 appropriation. All federal moneys received by the state pursuant to  
15 the American rescue plan act of 2021, state fiscal recovery fund,  
16 P.L. 117-2, subtitle M, section 9901, must be deposited in the  
17 account. The legislature may appropriate from the account only for  
18 the purposes authorized in that section of the federal act.

19 **Sec. 7.** RCW 43.70.715 and 2021 c 334 s 1004 are each reenacted  
20 and amended to read as follows:

21 (1) The COVID-19 public health response account is created in the  
22 custody of the state treasurer. The account shall consist of funds  
23 appropriated by the legislature and grants received by the department  
24 of health for activities in response to the coronavirus pandemic  
25 (COVID-19). Only the secretary, or the secretary's designee, may  
26 authorize expenditures from the account for costs related to the  
27 public health response to COVID-19, subject to any limitations  
28 imposed by grant funding deposited into the account. The COVID-19  
29 public health response account is subject to allotment procedures  
30 under chapter 43.88 RCW, but an appropriation is not required for  
31 expenditures.

32 (2)(a) The legislature finds that a safe, efficient, and  
33 effective delivery of vaccinations is of the utmost importance for  
34 restoring societal and economic functions. As we learn more about the  
35 virus, the vaccine, and challenges to vaccine allocation and  
36 distribution, it is anticipated that the state's COVID-19 vaccination  
37 distribution plan will evolve. To that end, the legislature has  
38 provided flexibility by funding expenditures for testing, contact

1 tracing, mitigation activities, vaccine administration and  
2 distribution, and other allowable uses for the state, local health  
3 jurisdictions, and tribes at the discretion of the secretary and  
4 without an appropriation. However, to maintain fiscal control and to  
5 ensure spending priorities align, the department is required to  
6 collaborate and communicate with the chairs and ranking members of  
7 the health care and fiscal committees of the legislature and local  
8 health jurisdictions in advance of any significant revision of the  
9 state's COVID-19 vaccination plan and to provide regular updates on  
10 its implementation and spending.

11 (b) As part of the public health response to COVID-19, the  
12 expenditures from the account must be used to effectively administer  
13 the vaccine for COVID-19 and conduct testing and contact tracing. The  
14 department must ensure that COVID-19 outreach is accessible,  
15 culturally and linguistically appropriate, and that it includes  
16 community-driven partnerships and strategies.

17 (c) When making expenditures for administering the vaccine for  
18 COVID-19, the department must focus on identifying persons for  
19 vaccination, prioritizing underserved, underrepresented, and hard-to-  
20 reach communities, making the vaccine accessible, and providing  
21 support to schools for safe reopening. Strategies for vaccine  
22 distribution shall include the establishment and expansion of  
23 community vaccination centers, mobile vaccination units, reporting  
24 enhancements, in-home visits for vaccinations for the elderly, and  
25 transportation of individuals to vaccination sites.

26 (d) When making expenditures regarding testing and contact  
27 tracing, the department must provide equitable access, prioritize  
28 underserved, underrepresented, and hard-to-reach communities, and  
29 provide support and resources to facilitate the safe reopening of  
30 schools while minimizing community spread of the virus.

31 (e) The department may also make expenditures from the account  
32 related to developing the public health workforce using funds granted  
33 by the federal government for that purpose in section 2501, the  
34 American rescue plan act of 2021, P.L. 117-2.

35 (3) When making expenditures from the account, the department  
36 must include an emphasis on public communication regarding the  
37 availability and accessibility of the vaccine and testing, and the  
38 importance of vaccine and testing availability to the safe reopening  
39 of the state.

1 (4) (a) The department must report to the fiscal and health care  
2 committees of the legislature on a monthly basis regarding its  
3 COVID-19 response.

4 (b) To the extent that it is available, the report must include  
5 data regarding vaccine distribution, testing, and contact tracing, as  
6 follows:

7 (i) The number of vaccines administered per day, including  
8 regional data regarding the location and age groups of persons  
9 receiving the vaccine, specifically identifying hard-to-reach  
10 communities in which vaccines were administered; and

11 (ii) The number of tests conducted per week, including data  
12 specifically addressing testing conducted in hard-to-reach  
13 communities.

14 (c) The first monthly report is due no later than one month from  
15 February 19, 2021. Monthly reports are no longer required upon the  
16 department's determination that the remaining balance of the COVID-19  
17 (~~(public health))~~ public health response account is less than  
18 \$100,000.

19 **Sec. 8.** RCW 28A.300.820 and 2021 c 334 s 1901 are each reenacted  
20 to read as follows:

21 The elementary and secondary school emergency relief III account  
22 is created in the state treasury. Revenues attributable to section  
23 2001, the American rescue plan act of 2021, P.L. 117-2 must be  
24 deposited into the account. Moneys in the account may be spent only  
25 after appropriation.

26 **Sec. 9.** 2018 c 298 s 7008 (uncodified) is reenacted and amended  
27 to read as follows:

28 The energy efficiency account is hereby created in the state  
29 treasury. The sums deposited in the energy efficiency account shall  
30 be appropriated and expended for loans, loan guarantees, and grants  
31 for projects that encourage the establishment and use of innovative  
32 and sustainable industries for renewable energy and energy efficiency  
33 technology. The balance of state funds, federal funds, and loan  
34 repayments, from the energy recovery act account, are deposited in  
35 this account. Moneys in the account may also be appropriated and  
36 expended for loans, loan guarantees, and grants for projects that  
37 achieve reductions in greenhouse gas emissions for emissions-  
38 intensive, trade-exposed industries.

1       **Sec. 10.** RCW 38.52.105 and 2021 c 334 s 963 are each amended to  
2 read as follows:

3       The disaster response account is created in the state treasury.  
4 Moneys may be placed in the account from legislative appropriations  
5 and transfers, federal appropriations, or any other lawful source.  
6 Moneys in the account may be spent only after appropriation.  
7 Expenditures from the account may be used only for support of state  
8 agency and local government disaster response and recovery efforts,  
9 including response by state and local government and federally  
10 recognized tribes to the novel coronavirus pursuant to the  
11 gubernatorial declaration of emergency of February 29, 2020, and to  
12 reimburse the workers' compensation funds and self-insured employers  
13 under RCW 51.16.220. (~~During the 2019-2021 and 2021-2023 fiscal~~  
14 ~~biennia, expenditures~~) Expenditures from the disaster response  
15 account may be used for military department operations and to support  
16 wildland fire suppression preparedness, prevention, and restoration  
17 activities by state agencies and local governments. (~~During the~~  
18 ~~2017-2019 and 2019-2021 fiscal biennia, the~~) The legislature may  
19 direct the treasurer to make transfers of moneys in the disaster  
20 response account to the state general fund. (~~It is the intent of the~~  
21 ~~legislature that these policies will be continued in subsequent~~  
22 ~~fiscal biennia.~~)

23       **Sec. 11.** RCW 41.05.143 and 2018 c 260 s 27 are each amended to  
24 read as follows:

25       (1) The uniform medical plan benefits administration account is  
26 created in the custody of the state treasurer. Only the director or  
27 the director's designee may authorize expenditures from the account.  
28 Moneys in the account shall be used exclusively for contracted  
29 expenditures for uniform medical plan claims administration, data  
30 analysis, utilization management, preferred provider administration,  
31 and activities related to benefits administration where the level of  
32 services provided pursuant to a contract fluctuate as a direct result  
33 of changes in uniform medical plan enrollment. Moneys in the account  
34 may also be used for administrative activities required to respond to  
35 new and unforeseen conditions that impact the uniform medical plan,  
36 but only when the authority and the office of financial management  
37 jointly agree that such activities must be initiated prior to the  
38 next legislative session.

1 (2) Receipts from amounts due from or on behalf of uniform  
2 medical plan enrollees for expenditures related to benefits  
3 administration, including moneys disbursed from the public employees'  
4 and retirees' insurance account, shall be deposited into the account.  
5 The account is subject to allotment procedures under chapter 43.88  
6 RCW, but no appropriation is required for expenditures. All proposals  
7 for allotment increases shall be provided to the house of  
8 representatives appropriations committee and to the senate ways and  
9 means committee at the same time as they are provided to the office  
10 of financial management.

11 (3) The uniform dental plan benefits administration account is  
12 created in the custody of the state treasurer. Only the director or  
13 the director's designee may authorize expenditures from the account.  
14 Moneys in the account shall be used exclusively for contracted  
15 expenditures related to benefits administration for the uniform  
16 dental plan as established under RCW 41.05.140. Receipts from amounts  
17 due from or on behalf of uniform dental plan enrollees for  
18 expenditures related to benefits administration, including moneys  
19 disbursed from the public employees' and retirees' insurance account,  
20 shall be deposited into the account. The account is subject to  
21 allotment procedures under chapter 43.88 RCW, but no appropriation is  
22 required for expenditures.

23 ~~(4) ((The public employees' benefits board medical benefits~~  
24 ~~administration account is created in the custody of the state~~  
25 ~~treasurer. Only the director or the director's designee may authorize~~  
26 ~~expenditures from the account. Moneys in the account shall be used~~  
27 ~~exclusively for contracted expenditures related to claims~~  
28 ~~administration, data analysis, utilization management, preferred~~  
29 ~~provider administration, and other activities related to benefits~~  
30 ~~administration for self-insured medical plans. Receipts from amounts~~  
31 ~~due from or on behalf of enrollees for expenditures related to~~  
32 ~~benefits administration, including moneys disbursed from the public~~  
33 ~~employees' and retirees' insurance account, shall be deposited into~~  
34 ~~the account. The account is subject to allotment procedures under~~  
35 ~~chapter 43.88 RCW, but an appropriation is not required for~~  
36 ~~expenditures.~~

37 (5)) The school employees' benefits board medical benefits  
38 administrative account is created in the custody of the state  
39 treasurer. Only the director or the director's designee may authorize  
40 expenditures from the account. Moneys in the account shall be used



1 exclusively for school employees' benefits board contracted  
2 expenditures related to claims administration, data analysis,  
3 utilization management, preferred provider administration, and other  
4 activities related to benefits administration for self-insured  
5 medical plans. Receipts from amounts due from or on behalf of  
6 enrollees for expenditures related to benefits administration,  
7 including moneys disbursed from the school employees' insurance  
8 account, shall be deposited into the account. The account is subject  
9 to allotment procedures under chapter 43.88 RCW, but no appropriation  
10 is required for expenditures.

11 ~~((+6))~~ (5) The school employees' benefits board dental benefits  
12 administration account is created in the custody of the state  
13 treasurer. Only the director or the director's designee may authorize  
14 expenditures from the account. Moneys in the account shall be used  
15 exclusively for school employees' benefits board contracted  
16 expenditures related to benefits administration for the self-insured  
17 dental plan as established under RCW 41.05.140. Receipts from amounts  
18 due from or on behalf of the self-insured dental plan enrollees for  
19 expenditures related to benefits administration, including moneys  
20 disbursed from the school employees' insurance account, shall be  
21 deposited into the account. The account is subject to allotment  
22 procedures under chapter 43.88 RCW, but no appropriation is required  
23 for expenditures.

24 **Sec. 12.** RCW 41.06.280 and 2021 c 334 s 964 are each amended to  
25 read as follows:

26 (1) There is hereby created a fund within the state treasury,  
27 designated as the "personnel service fund," to be used by the office  
28 of financial management as a revolving fund for the payment of  
29 salaries, wages, and operations required for the administration of  
30 the provisions of this chapter, applicable provisions of chapter  
31 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and  
32 one-half percent of the salaries and wages for all positions in the  
33 classified service in each of the agencies subject to this chapter,  
34 except the institutions of higher education, shall be charged to the  
35 operations appropriations of each agency and credited to the  
36 personnel service fund as the allotments are approved pursuant to  
37 chapter 43.88 RCW. Subject to the above limitations, the amount shall  
38 be charged against the allotments pro rata, at a rate to be fixed by  
39 the director from time to time which, together with income derived

1 from services rendered under RCW 41.06.080, will provide the office  
2 of financial management with funds to meet its anticipated  
3 expenditures during the allotment period, including the training  
4 requirements in RCW 41.06.500 and 41.06.530. All revenues, net of  
5 expenditures, previously derived from services provided by the  
6 department of enterprise services under RCW 41.06.080 must be  
7 transferred to the enterprise services account.

8 (2) The director shall fix the terms and charges for services  
9 rendered by the office of financial management pursuant to RCW  
10 41.06.080, which amounts shall be credited to the personnel service  
11 fund and charged against the proper fund or appropriation of the  
12 recipient of such services on a monthly basis. Payment for services  
13 so rendered under RCW 41.06.080 shall be made on a monthly basis to  
14 the state treasurer and deposited in the personnel service fund.

15 (3) Moneys from the personnel service fund shall be disbursed by  
16 the state treasurer by warrants on vouchers duly authorized by the  
17 office of financial management.

18 (4) (~~During the 2019-2021 and 2021-2023 fiscal biennia, the~~)  
19 The office of financial management may use the personnel service fund  
20 to administer an employee transit pass program and other employment  
21 benefits. The office of financial management must bill state agencies  
22 for the total cost of administering the program and payments received  
23 from agencies must be deposited in the personnel service fund.

24 (~~(5) During the 2019-2021 fiscal biennium, the office of~~  
25 ~~financial management may use the personnel service fund to administer~~  
26 ~~an employee flexible spending arrangement. The office of financial~~  
27 ~~management must bill state agencies for the total cost of~~  
28 ~~administering the program and payments received from agencies must be~~  
29 ~~deposited in the personnel service fund.))~~

30 **Sec. 13.** RCW 43.08.190 and 2021 c 334 s 969 are each amended to  
31 read as follows:

32 There is hereby created a fund within the state treasury to be  
33 known as the "state treasurer's service fund." Such fund shall be  
34 used solely for the payment of costs and expenses incurred in the  
35 operation and administration of the state treasurer's office.

36 Moneys shall be allocated monthly and placed in the state  
37 treasurer's service fund equivalent to a maximum of one percent of  
38 the trust and treasury average daily cash balances from the earnings  
39 generated under the authority of RCW 43.79A.040 and 43.84.080 other

1 than earnings generated from investment of balances in funds and  
2 accounts specified in RCW 43.79A.040(4)(c). The allocation shall  
3 precede the distribution of the remaining earnings as prescribed  
4 under RCW 43.79A.040 and 43.84.092. The state treasurer shall  
5 establish a uniform allocation rate for all funds and accounts;  
6 except that the state treasurer may negotiate a different allocation  
7 rate with any state agency that has independent authority over funds  
8 not statutorily required to be held in the state treasury or in the  
9 custody of the state treasurer. In no event shall the rate be less  
10 than the actual costs incurred by the state treasurer's office. If no  
11 rate is separately negotiated, the default rate for any funds held  
12 shall be the rate set for funds held pursuant to statute.

13 ~~((During the 2019-2021 and 2021-2023 fiscal biennia, the))~~ The  
14 legislature may direct the state treasurer to make transfers of money  
15 in the state treasurer's service fund to the state general fund. ~~((It~~  
16 ~~is the intent of the legislature that this policy will be continued~~  
17 ~~in subsequent biennia.))~~

18 **Sec. 14.** RCW 43.09.475 and 2021 c 334 s 970 are each amended to  
19 read as follows:

20 The performance audits of government account is hereby created in  
21 the custody of the state treasurer. Revenue identified in RCW  
22 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money  
23 in the account shall be used to fund the performance audits and  
24 follow-up performance audits under RCW 43.09.470 and shall be  
25 expended by the state auditor in accordance with chapter 1, Laws of  
26 2006. Only the state auditor or the state auditor's designee may  
27 authorize expenditures from the account. The account is subject to  
28 allotment procedures under chapter 43.88 RCW, but an appropriation is  
29 not required for expenditures. ~~((During the 2019-2021 and 2021-2023~~  
30 ~~fiscal biennia, the))~~ The performance audits of government account  
31 may be appropriated for the joint legislative audit and review  
32 committee, the legislative evaluation and accountability program  
33 committee, and for the office of financial management's ~~((r))~~  
34 performance audit and compliance audit activities. During the  
35 2019-2021 and 2021-2023 fiscal biennia, the performance audits of  
36 government account may be appropriated for the superintendent of  
37 public instruction, the department of fish and wildlife, and audits  
38 of school districts. In addition, during the 2019-2021 and 2021-2023  
39 fiscal biennia the account may be used to fund the office of

1 financial management's contract for the compliance audit of the state  
2 auditor and audit activities at the department of revenue.

3 **Sec. 15.** RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s  
4 7031 are each reenacted and amended to read as follows:

5 The public works assistance account is hereby established in the  
6 state treasury. Money may be placed in the public works assistance  
7 account from the proceeds of bonds when authorized by the legislature  
8 or from any other lawful source. Money in the public works assistance  
9 account shall be used to make loans and grants and to give financial  
10 guarantees to local governments for public works projects. Moneys in  
11 the account may also be appropriated or transferred to the water  
12 pollution control revolving fund and the drinking water assistance  
13 account to provide for state match requirements under federal law.  
14 Not more than twenty percent of the biennial capital budget  
15 appropriation to the public works board from this account may be  
16 expended or obligated for preconstruction loans and grants, emergency  
17 loans and grants, or loans and grants for capital facility planning  
18 under this chapter. Not more than ten percent of the biennial capital  
19 budget appropriation to the public works board from this account may  
20 be expended or obligated as grants for preconstruction, emergency,  
21 capital facility planning, and construction projects. During the  
22 2017-2019 and 2019-2021 fiscal biennia, the legislature may  
23 appropriate moneys from the account for activities related to rural  
24 economic development, the growth management act, the aviation  
25 revitalization loan program, the community economic revitalization  
26 board broadband program, and the voluntary stewardship program.  
27 During the 2021-2023 biennium, the legislature may appropriate moneys  
28 from the account for activities related to the aviation  
29 revitalization board. During the 2019-2021 fiscal biennia, the  
30 legislature may direct the state treasurer to make transfers of  
31 moneys in the public works assistance account to the education legacy  
32 trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the  
33 legislature may direct the state treasurer to make transfers of  
34 moneys in the public works assistance account to the statewide  
35 broadband account. (~~During the 2021-2023 fiscal biennium, the~~) The  
36 legislature may appropriate moneys from the public works assistance  
37 account for activities related to the voluntary stewardship program,  
38 rural economic development, and the growth management act.

1       **Sec. 16.** RCW 46.68.290 and 2021 c 333 s 713 are each amended to  
2 read as follows:

3       (1) The transportation partnership account is hereby created in  
4 the (~~state treasury~~) motor vehicle fund. All distributions to the  
5 account from RCW 46.68.090 must be deposited into the account. Money  
6 in the account may be spent only after appropriation. Expenditures  
7 from the account must be used only for projects or improvements  
8 identified as 2005 transportation partnership projects or  
9 improvements in the omnibus transportation appropriations act,  
10 including any principal and interest on bonds authorized for the  
11 projects or improvements.

12       (2) The legislature finds that:

13       (a) Citizens demand and deserve accountability of transportation-  
14 related programs and expenditures. Transportation-related programs  
15 must continuously improve in quality, efficiency, and effectiveness  
16 in order to increase public trust;

17       (b) Transportation-related agencies that receive tax dollars must  
18 continuously improve the way they operate and deliver services so  
19 citizens receive maximum value for their tax dollars; and

20       (c) Fair, independent, comprehensive performance audits of  
21 transportation-related agencies overseen by the elected state auditor  
22 are essential to improving the efficiency, economy, and effectiveness  
23 of the state's transportation system.

24       (3) For purposes of chapter 314, Laws of 2005:

25       (a) "Performance audit" means an objective and systematic  
26 assessment of a state agency or agencies or any of their programs,  
27 functions, or activities by the state auditor or designee in order to  
28 help improve agency efficiency, effectiveness, and accountability.  
29 Performance audits include economy and efficiency audits and program  
30 audits.

31       (b) "Transportation-related agency" means any state agency,  
32 board, or commission that receives funding primarily for  
33 transportation-related purposes. At a minimum, the department of  
34 transportation, the transportation improvement board or its successor  
35 entity, the county road administration board or its successor entity,  
36 and the traffic safety commission are considered transportation-  
37 related agencies. The Washington state patrol and the department of  
38 licensing shall not be considered transportation-related agencies  
39 under chapter 314, Laws of 2005.

1 (4) Within the authorities and duties under chapter 43.09 RCW,  
2 the state auditor shall establish criteria and protocols for  
3 performance audits. Transportation-related agencies shall be audited  
4 using criteria that include generally accepted government auditing  
5 standards as well as legislative mandates and performance objectives  
6 established by state agencies. Mandates include, but are not limited  
7 to, agency strategies, timelines, program objectives, and mission and  
8 goals as required in RCW 43.88.090.

9 (5) Within the authorities and duties under chapter 43.09 RCW,  
10 the state auditor may conduct performance audits for transportation-  
11 related agencies. The state auditor shall contract with private firms  
12 to conduct the performance audits.

13 (6) The audits may include:

14 (a) Identification of programs and services that can be  
15 eliminated, reduced, consolidated, or enhanced;

16 (b) Identification of funding sources to the transportation-  
17 related agency, to programs, and to services that can be eliminated,  
18 reduced, consolidated, or enhanced;

19 (c) Analysis of gaps and overlaps in programs and services and  
20 recommendations for improving, dropping, blending, or separating  
21 functions to correct gaps or overlaps;

22 (d) Analysis and recommendations for pooling information  
23 technology systems used within the transportation-related agency, and  
24 evaluation of information processing and telecommunications policy,  
25 organization, and management;

26 (e) Analysis of the roles and functions of the transportation-  
27 related agency, its programs, and its services and their compliance  
28 with statutory authority and recommendations for eliminating or  
29 changing those roles and functions and ensuring compliance with  
30 statutory authority;

31 (f) Recommendations for eliminating or changing statutes, rules,  
32 and policy directives as may be necessary to ensure that the  
33 transportation-related agency carry out reasonably and properly those  
34 functions vested in the agency by statute;

35 (g) Verification of the reliability and validity of  
36 transportation-related agency performance data, self-assessments, and  
37 performance measurement systems as required under RCW 43.88.090;

38 (h) Identification of potential cost savings in the  
39 transportation-related agency, its programs, and its services;

40 (i) Identification and recognition of best practices;

1 (j) Evaluation of planning, budgeting, and program evaluation  
2 policies and practices;

3 (k) Evaluation of personnel systems operation and management;

4 (l) Evaluation of purchasing operations and management policies  
5 and practices;

6 (m) Evaluation of organizational structure and staffing levels,  
7 particularly in terms of the ratio of managers and supervisors to  
8 nonmanagement personnel; and

9 (n) Evaluation of transportation-related project costs, including  
10 but not limited to environmental mitigation, competitive bidding  
11 practices, permitting processes, and capital project management.

12 (7) Within the authorities and duties under chapter 43.09 RCW,  
13 the state auditor must provide the preliminary performance audit  
14 reports to the audited state agency for comment. The auditor also may  
15 seek input on the preliminary report from other appropriate  
16 officials. Comments must be received within thirty days after receipt  
17 of the preliminary performance audit report unless a different time  
18 period is approved by the state auditor. The final performance audit  
19 report shall include the objectives, scope, and methodology; the  
20 audit results, including findings and recommendations; the agency's  
21 response and conclusions; and identification of best practices.

22 (8) The state auditor shall provide final performance audit  
23 reports to the citizens of Washington, the governor, the joint  
24 legislative audit and review committee, the appropriate legislative  
25 committees, and other appropriate officials. Final performance audit  
26 reports shall be posted on the internet.

27 (9) The audited transportation-related agency is responsible for  
28 follow-up and corrective action on all performance audit findings and  
29 recommendations. The audited agency's plan for addressing each audit  
30 finding and recommendation shall be included in the final audit  
31 report. The plan shall provide the name of the contact person  
32 responsible for each action, the action planned, and the anticipated  
33 completion date. If the audited agency does not agree with the audit  
34 findings and recommendations or believes action is not required, then  
35 the action plan shall include an explanation and specific reasons.

36 The office of financial management shall require periodic  
37 progress reports from the audited agency until all resolution has  
38 occurred. The office of financial management is responsible for  
39 achieving audit resolution. The office of financial management shall  
40 annually report by December 31st the status of performance audit

1 resolution to the appropriate legislative committees and the state  
2 auditor. The legislature shall consider the performance audit results  
3 in connection with the state budget process.

4 The auditor may request status reports on specific audits or  
5 findings.

6 (10) For the period from July 1, 2005, until June 30, 2007, the  
7 amount of \$4,000,000 is appropriated from the transportation  
8 partnership account to the state auditors office for the purposes of  
9 subsections (2) through (9) of this section.

10 (11) During the 2015-2017 fiscal biennium, the legislature may  
11 transfer from the transportation partnership account to the  
12 connecting Washington account such amounts as reflect the excess fund  
13 balance of the transportation partnership account.

14 (12) During the 2019-2021 and 2021-2023 fiscal biennia, the  
15 legislature may direct the state treasurer to make transfers of  
16 moneys in the transportation partnership account to the connecting  
17 Washington account, the motor vehicle fund, the Tacoma Narrows toll  
18 bridge account, and the capital vessel replacement account.

19 **Sec. 17.** RCW 47.56.876 and 2021 c 333 s 709 and 2021 c 136 s 1  
20 are each reenacted and amended to read as follows:

21 (1) A special account to be known as the state route number 520  
22 civil penalties account is created in the state treasury. All state  
23 route number 520 bridge replacement and HOV program civil penalties  
24 generated from the nonpayment of tolls on the state route number 520  
25 corridor must be deposited into the account, as provided under RCW  
26 47.56.870(4)(b)(vii). Moneys in the account may be spent only after  
27 appropriation. Expenditures from the account must be used to fund  
28 legal obligations associated with bonds and loans associated with the  
29 construction and operation of state route number 520 under  
30 circumstances where the toll revenue collections at the time are not  
31 sufficient to fully cover such legal obligations, and then may be  
32 used to fund any project within the state route number 520 bridge  
33 replacement and HOV program, including mitigation. (~~During the~~  
34 ~~2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer~~  
35 ~~from the state route number 520 civil penalties account to the state~~  
36 ~~route number 520 corridor account such amounts as reflect the excess~~  
37 ~~fund balance of the state route number 520 civil penalties account.~~  
38 ~~Funds transferred must be used solely for capital expenditures for~~  
39 ~~the state route number 520 bridge replacement and HOV project.~~) The



1 legislature may direct the state treasurer to make transfers of  
2 moneys in the state route number 520 civil penalties account to the  
3 state route number 520 corridor account. During the 2021-2023 fiscal  
4 biennium, the legislature may direct the state treasurer to transfer  
5 moneys in the state route number 520 civil penalties account to the  
6 motor vehicle account.

7 (2) For purposes of this section, "legal obligations associated  
8 with bonds and loans" includes, but is not limited to, debt service  
9 and all other activities necessary to comply with financial covenants  
10 associated with state route number 520, costs associated with the  
11 civil penalties program, and operation and maintenance costs.

12 **Sec. 18.** RCW 71.24.580 and 2021 c 334 s 989 are each amended to  
13 read as follows:

14 (1) The criminal justice treatment account is created in the  
15 state treasury. Moneys in the account may be expended solely for: (a)  
16 Substance use disorder treatment and treatment support services for  
17 offenders with a substance use disorder that, if not treated, would  
18 result in addiction, against whom charges are filed by a prosecuting  
19 attorney in Washington state; (b) the provision of substance use  
20 disorder treatment services and treatment support services for  
21 nonviolent offenders within a drug court program; and (c) the  
22 administrative and overhead costs associated with the operation of a  
23 drug court. Amounts provided in this subsection must be used for  
24 treatment and recovery support services for criminally involved  
25 offenders and authorization of these services shall not be subject to  
26 determinations of medical necessity. During the 2019-2021 and  
27 2021-2023 fiscal biennia, funding from the criminal justice treatment  
28 account may be used to provide treatment and support services through  
29 the conclusion of an individual's treatment plan to individuals  
30 participating in a drug court program as of February 24, 2021, if  
31 that individual wishes to continue treatment following dismissal of  
32 charges they were facing under RCW 69.50.4013(1). Such participation  
33 is voluntary and contingent upon substantial compliance with drug  
34 court program requirements. (~~During the 2019-2021 and 2021-2023~~  
35 ~~fiscal biennia, the~~) The legislature may appropriate from the  
36 account for municipal drug courts and increased treatment options.  
37 During the 2019-2021 fiscal biennium, the legislature may direct the  
38 state treasurer to make transfers of moneys in the criminal justice  
39 treatment account to the home security fund account created in RCW

1 43.185C.060. Moneys in the account may be spent only after  
2 appropriation.

3 (2) For purposes of this section:

4 (a) "Treatment" means services that are critical to a  
5 participant's successful completion of his or her substance use  
6 disorder treatment program, including but not limited to the recovery  
7 support and other programmatic elements outlined in RCW 2.30.030  
8 authorizing therapeutic courts; and

9 (b) "Treatment support" includes transportation to or from  
10 inpatient or outpatient treatment services when no viable alternative  
11 exists, and child care services that are necessary to ensure a  
12 participant's ability to attend outpatient treatment sessions.

13 (3) Revenues to the criminal justice treatment account consist  
14 of: (a) Funds transferred to the account pursuant to this section;  
15 and (b) any other revenues appropriated to or deposited in the  
16 account.

17 (4) (a) For the fiscal year beginning July 1, 2005, and each  
18 subsequent fiscal year, the state treasurer shall transfer eight  
19 million two hundred fifty thousand dollars from the general fund to  
20 the criminal justice treatment account, divided into four equal  
21 quarterly payments. For the fiscal year beginning July 1, 2006, and  
22 each subsequent fiscal year, the amount transferred shall be  
23 increased on an annual basis by the implicit price deflator as  
24 published by the federal bureau of labor statistics.

25 (b) In each odd-numbered year, the legislature shall appropriate  
26 the amount transferred to the criminal justice treatment account in  
27 (a) of this subsection to the department for the purposes of  
28 subsection (5) of this section.

29 (5) Moneys appropriated to the authority from the criminal  
30 justice treatment account shall be distributed as specified in this  
31 subsection. The authority may retain up to three percent of the  
32 amount appropriated under subsection (4) (b) of this section for its  
33 administrative costs.

34 (a) Seventy percent of amounts appropriated to the authority from  
35 the account shall be distributed to counties pursuant to the  
36 distribution formula adopted under this section. The authority, in  
37 consultation with the department of corrections, the Washington state  
38 association of counties, the Washington state association of drug  
39 court professionals, the superior court judges' association, the  
40 Washington association of prosecuting attorneys, representatives of

1 the criminal defense bar, representatives of substance use disorder  
2 treatment providers, and any other person deemed by the authority to  
3 be necessary, shall establish a fair and reasonable methodology for  
4 distribution to counties of moneys in the criminal justice treatment  
5 account. County or regional plans submitted for the expenditure of  
6 formula funds must be approved by the panel established in (b) of  
7 this subsection.

8 (b) Thirty percent of the amounts appropriated to the authority  
9 from the account shall be distributed as grants for purposes of  
10 treating offenders against whom charges are filed by a county  
11 prosecuting attorney. The authority shall appoint a panel of  
12 representatives from the Washington association of prosecuting  
13 attorneys, the Washington association of sheriffs and police chiefs,  
14 the superior court judges' association, the Washington state  
15 association of counties, the Washington defender's association or the  
16 Washington association of criminal defense lawyers, the department of  
17 corrections, the Washington state association of drug court  
18 professionals, and substance use disorder treatment providers. The  
19 panel shall review county or regional plans for funding under (a) of  
20 this subsection and grants approved under this subsection. The panel  
21 shall attempt to ensure that treatment as funded by the grants is  
22 available to offenders statewide.

23 (6) The county alcohol and drug coordinator, county prosecutor,  
24 county sheriff, county superior court, a substance abuse treatment  
25 provider appointed by the county legislative authority, a member of  
26 the criminal defense bar appointed by the county legislative  
27 authority, and, in counties with a drug court, a representative of  
28 the drug court shall jointly submit a plan, approved by the county  
29 legislative authority or authorities, to the panel established in  
30 subsection (5)(b) of this section, for disposition of all the funds  
31 provided from the criminal justice treatment account within that  
32 county. The submitted plan should incorporate current evidence-based  
33 practices in substance use disorder treatment. The funds shall be  
34 used solely to provide approved alcohol and substance use disorder  
35 treatment pursuant to RCW 71.24.560 and treatment support services.  
36 No more than ten percent of the total moneys received under  
37 subsections (4) and (5) of this section by a county or group of  
38 counties participating in a regional agreement shall be spent for  
39 treatment support services.

1 (7) Counties are encouraged to consider regional agreements and  
2 submit regional plans for the efficient delivery of treatment under  
3 this section.

4 (8) Moneys allocated under this section shall be used to  
5 supplement, not supplant, other federal, state, and local funds used  
6 for substance abuse treatment.

7 (9) If a region or county uses criminal justice treatment account  
8 funds to support a therapeutic court, the therapeutic court must  
9 allow the use of all medications approved by the federal food and  
10 drug administration for the treatment of opioid use disorder as  
11 deemed medically appropriate for a participant by a medical  
12 professional. If appropriate medication-assisted treatment resources  
13 are not available or accessible within the jurisdiction, the health  
14 care authority's designee for assistance must assist the court with  
15 acquiring the resource.

16 (10) Counties must meet the criteria established in RCW  
17 2.30.030(3).

18 (11) The authority shall annually review and monitor the  
19 expenditures made by any county or group of counties that receives  
20 appropriated funds distributed under this section. Counties shall  
21 repay any funds that are not spent in accordance with the  
22 requirements of its contract with the authority.

23 **Sec. 19.** RCW 79.105.150 and 2021 c 334 s 996 and 2021 c 209 s 16  
24 are each reenacted and amended to read as follows:

25 (1) After deduction for management costs as provided in RCW  
26 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys  
27 received by the state from the sale or lease of state-owned aquatic  
28 lands and from the sale of valuable material from state-owned aquatic  
29 lands shall be deposited in the aquatic lands enhancement account  
30 which is hereby created in the state treasury. After appropriation,  
31 these funds shall be used solely for aquatic lands enhancement  
32 projects; for the purchase, improvement, or protection of aquatic  
33 lands for public purposes; for providing and improving access to the  
34 lands; and for volunteer cooperative fish and game projects. (~~During~~  
35 ~~the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the~~) The  
36 aquatic lands enhancement account may be used to support the  
37 shellfish program, the ballast water program, hatcheries, the Puget  
38 Sound toxic sampling program and steelhead mortality research at the  
39 department of fish and wildlife, the knotweed program at the

1 department of agriculture, actions at the University of Washington  
2 for reducing ocean acidification, which may include the creation of a  
3 center on ocean acidification, the Puget SoundCorps program, and  
4 support of the marine resource advisory council and the Washington  
5 coastal marine advisory council. During the 2017-2019 and 2019-2021  
6 fiscal biennia, the legislature may transfer from the aquatic lands  
7 enhancement account to the geoduck aquaculture research account for  
8 research related to shellfish aquaculture. During the 2015-2017  
9 fiscal biennium, the legislature may transfer moneys from the aquatic  
10 lands enhancement account to the marine resources stewardship trust  
11 account.

12 (2) In providing grants for aquatic lands enhancement projects,  
13 the recreation and conservation funding board shall:

14 (a) Require grant recipients to incorporate the environmental  
15 benefits of the project into their grant applications;

16 (b) Utilize the statement of environmental benefits,  
17 consideration, except as provided in RCW 79.105.610, of whether the  
18 applicant is a Puget Sound partner, as defined in RCW 90.71.010,  
19 whether a project is referenced in the action agenda developed by the  
20 Puget Sound partnership under RCW 90.71.310, and except as otherwise  
21 provided in RCW 79.105.630, and effective one calendar year following  
22 the development and statewide availability of urban forestry  
23 management plans and ordinances under RCW 76.15.090, whether the  
24 applicant is an entity that has been recognized, and what gradation  
25 of recognition was received, in the evergreen community designation  
26 program created in RCW 76.15.090 in its prioritization and selection  
27 process; and

28 (c) Develop appropriate outcome-focused performance measures to  
29 be used both for management and performance assessment of the grants.

30 (3) To the extent possible, the department should coordinate its  
31 performance measure system with other natural resource-related  
32 agencies as defined in RCW 43.41.270.

33 (4) The department shall consult with affected interest groups in  
34 implementing this section.

35 (5) Any project designed to address the restoration of Puget  
36 Sound may be funded under this chapter only if the project is not in  
37 conflict with the action agenda developed by the Puget Sound  
38 partnership under RCW 90.71.310.

1       **Sec. 20.** RCW 82.08.170 and 2021 c 334 s 998 are each amended to  
2 read as follows:

3       (1) Except as provided in subsections (4) and (5) of this  
4 section, during the months of January, April, July, and October of  
5 each year, the state treasurer must make the transfers required under  
6 subsections (2) and (3) of this section from the liquor excise tax  
7 fund and then the apportionment and distribution of all remaining  
8 moneys in the liquor excise tax fund to the counties, cities, and  
9 towns in the following proportions: (a) Twenty percent of the moneys  
10 in the liquor excise tax fund must be divided among and distributed  
11 to the counties of the state in accordance with the provisions of RCW  
12 66.08.200; and (b) eighty percent of the moneys in the liquor excise  
13 tax fund must be divided among and distributed to the cities and  
14 towns of the state in accordance with the provisions of RCW  
15 66.08.210.

16       (2) Each fiscal quarter and prior to making the twenty percent  
17 distribution to counties under subsection (1)(a) of this section, the  
18 treasurer shall transfer to the liquor revolving fund created in RCW  
19 66.08.170 sufficient moneys to fund the allotments from any  
20 legislative appropriations for county research and services as  
21 provided under chapter 43.110 RCW.

22       (3) During the months of January, April, July, and October of  
23 each year, the state treasurer must transfer two million five hundred  
24 thousand dollars from the liquor excise tax fund to the state general  
25 fund.

26       (4) During calendar year 2012, the October distribution under  
27 subsection (1) of this section and the July and October transfers  
28 under subsections (2) and (3) of this section must not be made.  
29 During calendar year 2013, the January, April, and July distributions  
30 under subsection (1) of this section and transfers under subsections  
31 (2) and (3) of this section must not be made.

32       (5) (~~During the 2015-2017, 2019-2021, and 2021-2023 fiscal~~  
33 ~~biennia, the~~) The liquor excise tax fund may be appropriated for the  
34 local government fiscal note program in the department of commerce.  
35 (~~It is the intent of the legislature to continue this policy in the~~  
36 ~~subsequent fiscal biennium.~~)

37       **Sec. 21.** RCW 82.14.310 and 2021 c 334 s 999 and 2021 c 296 s 2  
38 are each reenacted and amended to read as follows:

1 (1) The county criminal justice assistance account is created in  
2 the state treasury. Beginning in fiscal year 2000, the state  
3 treasurer must transfer into the county criminal justice assistance  
4 account from the general fund the sum of \$23,200,000 divided into  
5 four equal deposits occurring on July 1, October 1, January 1, and  
6 April 1. For each fiscal year thereafter, the state treasurer must  
7 increase the total transfer by the fiscal growth factor, as defined  
8 in RCW 43.135.025, forecast for that fiscal year by the office of  
9 financial management in November of the preceding year.

10 (2) The moneys deposited in the county criminal justice  
11 assistance account for distribution under this section, less any  
12 moneys appropriated for purposes under subsections (4) and (5) of  
13 this section, must be distributed at such times as distributions are  
14 made under RCW 82.44.150 and on the relative basis of each county's  
15 funding factor as determined under this subsection.

16 (a) A county's funding factor is the sum of:

17 (i) The population of the county, divided by 1,000, and  
18 multiplied by two-tenths;

19 (ii) The crime rate of the county, multiplied by three-tenths;  
20 and

21 (iii) The annual number of criminal cases filed in the county  
22 superior court, for each 1,000 in population, multiplied by five-  
23 tenths.

24 (b) Under this section and RCW 82.14.320 and 82.14.330:

25 (i) The population of the county or city is as last determined by  
26 the office of financial management;

27 (ii) The crime rate of the county or city is the annual  
28 occurrence of specified criminal offenses, as calculated in the most  
29 recent annual report on crime in Washington state as published by the  
30 Washington association of sheriffs and police chiefs, for each 1,000  
31 in population;

32 (iii) The annual number of criminal cases filed in the county  
33 superior court must be determined by the most recent annual report of  
34 the courts of Washington, as published by the administrative office  
35 of the courts;

36 (iv) Distributions and eligibility for distributions in the  
37 1989-1991 biennium must be based on 1988 figures for both the crime  
38 rate as described under ~~((b))~~ (b)(ii) of this subsection and the  
39 annual number of criminal cases that are filed as described under  
40 ~~((b))~~ (b)(iii) of this subsection. Future distributions must be

1 based on the most recent figures for both the crime rate as described  
2 under ~~((b))~~ (b)(ii) of this subsection and the annual number of  
3 criminal cases that are filed as described under ~~((b))~~ (b)(iii)  
4 of this subsection.

5 (3) Moneys distributed under this section must be expended  
6 exclusively for criminal justice purposes. Except after May 13, 2021,  
7 through December 31, 2023, these funds may not be used to replace or  
8 supplant existing funding. Criminal justice purposes are defined as  
9 activities that substantially assist the criminal justice system,  
10 which may include circumstances where ancillary benefit to the civil  
11 or juvenile justice system occurs, and which includes (a) domestic  
12 violence services such as those provided by domestic violence  
13 programs, community advocates, and legal advocates, as defined in RCW  
14 70.123.020, and (b) during the 2001-2003 fiscal biennium, juvenile  
15 dispositional hearings relating to petitions for at-risk youth,  
16 truancy, and children in need of services. Existing funding for  
17 purposes of this subsection is defined as calendar year 1989 actual  
18 operating expenditures for criminal justice purposes. Calendar year  
19 1989 actual operating expenditures for criminal justice purposes  
20 exclude the following: Expenditures for extraordinary events not  
21 likely to reoccur, changes in contract provisions for criminal  
22 justice services, beyond the control of the local jurisdiction  
23 receiving the services, and major nonrecurring capital expenditures.

24 (4) Not more than five percent of the funds deposited to the  
25 county criminal justice assistance account may be available for  
26 appropriations for enhancements to the state patrol crime laboratory  
27 system and the continuing costs related to these enhancements. Funds  
28 appropriated from this account for such enhancements may not supplant  
29 existing funds from the state general fund.

30 ~~((During the 2017-2019 fiscal biennium, the sum of \$153,000,  
31 and during the 2019-2021 and 2021-2023 fiscal biennia))~~ Each fiscal  
32 biennium, the sum of \$510,000, may be appropriated for the Washington  
33 state patrol to provide investigative assistance and report services  
34 to assist local law enforcement agencies to prosecute criminals. ~~((It  
35 is the intent of the legislature that this policy will be continued  
36 in subsequent fiscal biennia.))~~

37 **Sec. 22.** RCW 90.50A.090 and 2021 c 334 s 1000 are each amended  
38 to read as follows:



1 (1) The water pollution control revolving administration account  
2 is created in the state treasury. All receipts from charges  
3 authorized in this section must be deposited in the account. Moneys  
4 in the account may be spent only after appropriation. Expenditures  
5 from the account may be used only in a manner consistent with this  
6 section.

7 (2) The department is authorized to assess administration charges  
8 as a portion of the debt service for loans issued under the water  
9 pollution control revolving fund created in RCW 90.50A.020. The sole  
10 purpose of assessing administration charges is to predictably and  
11 adequately fund the department's costs of administering the water  
12 pollution control revolving fund loan program, as identified in  
13 subsection (5) of this section. The department must assess  
14 administration charges on each water pollution control revolving fund  
15 loan at the point the loan enters repayment status, after July 28,  
16 2013, and rule changes are adopted to implement the administration  
17 charge. Loans that are at an interest rate below the established  
18 administration charge rate are exempt from the administration charge.

19 (3) The water pollution control revolving administration account  
20 consists of:

21 (a) Any administration charge levied by the department in  
22 conjunction with administration of the water pollution control  
23 revolving fund; and

24 (b) Any other revenues derived from gifts, grants, or bequests  
25 pledged to the state for the purpose of administering the water  
26 pollution control revolving fund.

27 (4) The state treasurer may invest and reinvest moneys in the  
28 water pollution control revolving administration account in the  
29 manner provided by law. All earnings from such investment and  
30 reinvestment must be credited to the water pollution control  
31 revolving administration account.

32 (5) Moneys in the water pollution control revolving  
33 administration account are to be used for the following water  
34 pollution control revolving fund loan program costs:

35 (a) Administration costs associated with conducting application  
36 processes, managing contracts, collecting loan repayments, managing  
37 the revolving fund, providing technical assistance, and meeting state  
38 and federal reporting requirements; and

39 (b) Information and data system costs associated with loan  
40 tracking and fund management.

1 (6) Each biennium, the department may spend from the water  
2 pollution control revolving administration account an amount no  
3 greater than four percent of the water pollution control revolving  
4 fund new capital appropriation.

5 (7) For its 2017-2019 biennial operating budget submittal, and  
6 every biennium thereafter, the department must compare the projected  
7 water pollution control revolving administration account balance and  
8 the projected administration charge income with projected program  
9 costs, including an adequate working capital reserve as defined by  
10 the office of financial management. In its submittal to the office of  
11 financial management, the department may:

12 (a) Find that the projected administration charge income is  
13 inadequate to fund the cost of administering the program, and that  
14 the rate of the charge must be increased. However, the administration  
15 charge may never exceed one percent on the declining principal loan  
16 balance;

17 (b) Find that the projected administration charge income exceeds  
18 what is needed to fund the cost of administering the program, and  
19 that the rate of the charge must be decreased;

20 (c) Find that there is an excess balance in the revolving  
21 administration account, and that the excess must be transferred to  
22 the water pollution control revolving fund to be used for loans; or

23 (d) Find that there is no need for any rate adjustments or  
24 balance transfers.

25 (8) At the point where the water pollution control revolving  
26 administration account adequately covers the program administration  
27 costs, the department may no longer use the federal administration  
28 allowance. If a federal capitalization grant is awarded after that  
29 point, all federal capitalization dollars must be used for making  
30 loans.

31 (9) By December 1, 2018, the department must submit to the  
32 appropriate legislative fiscal committees a report on implementation  
33 of the administration charge, including information on: The amount of  
34 income the administration charge has produced since its inception;  
35 the uses and adequacy of the income for administrative costs; any  
36 excess balances that have been transferred to the water pollution  
37 control revolving fund; and any additional sources that the  
38 department is using for program administration.

39 (10) (~~During the 2019-2021 and 2021-2023 fiscal biennia, the~~)  
40 The legislature may direct the state treasurer to make transfers of

1 moneys in the water pollution control revolving administration  
2 account to the water pollution control revolving fund.

3 NEW SECTION. **Sec. 23.** The following acts or parts of acts are  
4 each repealed:

5 (1) RCW 43.60A.153 (Veterans conservation corps account) and 2007  
6 c 451 s 6; and

7 (2) RCW 43.79.467 (Dedicated McCleary penalty account) and 2018 c  
8 299 s 920.

9 NEW SECTION. **Sec. 24.** The special personnel litigation  
10 revolving account created in chapter 372, Laws of 2006 is eliminated.

11 NEW SECTION. **Sec. 25.** Section 2 of this act takes effect  
12 January 1, 2023.

Passed by the Senate February 11, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 24, 2022.

Filed in Office of Secretary of State March 24, 2022.

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