
SENATE BILL 6078

State of Washington

68th Legislature

2024 Regular Session

By Senators Mullet and L. Wilson

Read first time 01/09/24. Referred to Committee on State Government & Elections.

1 AN ACT Relating to legislative oversight of moneys received from
2 enforcement actions; amending RCW 43.10.220; adding a new section to
3 chapter 43.79 RCW; creating a new section; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.79
7 RCW to read as follows:

8 (1) A state agency may not expend moneys except pursuant to an
9 appropriation by law if the moneys are received in an administrative
10 or judicial regulatory or civil enforcement action, or settlement
11 thereof, brought by the state.

12 (2) In any regulatory or civil enforcement action brought by the
13 attorney general under the authority of the attorney general or
14 another state agency where moneys are to be paid to the state or to a
15 state-administered account, the attorney general shall seek a court
16 order or settlement that includes a requirement that the moneys
17 received by the state may not be expended except pursuant to an
18 appropriation by law.

19 (3) This section does not apply to:

20 (a) Moneys received by the state for payment by the state to
21 individually identified injured parties or a specifically identified

1 class of parties as damages, restitution, or refunds. However, if
2 such payments to a class of parties include a payment to a state
3 agency, instead of damages, restitution, or refunds, such as payments
4 under the doctrine of cy pres, the expenditure of the payment by the
5 state agency is subject to this section;

6 (b) Fees or enforcement actions to collect fees, including
7 investigation or examination fees, that are established by
8 administrative rule or statute;

9 (c) Expenditures from accounts outside the state treasury,
10 including court registries, exclusively for purposes of remedial
11 action or natural resource damages under chapters 70A.305, 90.48, and
12 90.56 RCW, 33 U.S.C. Sec. 2701 et seq., or 42 U.S.C. Sec. 9601 et
13 seq., or for purposes of financial assurance under chapter 70A.205 or
14 70A.300 RCW;

15 (d) Moneys recovered by the department of social and health
16 services for client services, benefits, or vendor overpayments or
17 moneys collected by the division of child support;

18 (e) Expenditures from nonappropriated funds and accounts that are
19 specifically established by statute if the statute does not
20 incorporate a reference to this section; or

21 (f) Moneys specifically awarded by a court to the state or
22 allocated in a settlement of any action as court costs or attorneys'
23 fees incurred by the state in pursuing the action.

24 **Sec. 2.** RCW 43.10.220 and 2016 sp.s. c 36 s 926 are each amended
25 to read as follows:

26 ((The)) Except as provided in section 1 of this act, the attorney
27 general is authorized to expend from the antitrust revolving fund,
28 created by RCW 43.10.210 through 43.10.220, such funds as are
29 necessary for the payment of costs, expenses and charges incurred in
30 the preparation, institution and maintenance of antitrust actions
31 under the state and federal antitrust acts. ((During the 2015-2017
32 fiscal biennium, the attorney general may expend from the antitrust
33 revolving fund for the purposes of the consumer protection activities
34 of the office.))

35 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
36 conflict with federal requirements that are a prescribed condition to
37 the allocation of federal funds to the state, the conflicting part of
38 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application
3 to the agencies concerned. Rules adopted under this act must meet
4 federal requirements that are a necessary condition to the receipt of
5 federal funds by the state.

6 NEW SECTION. **Sec. 4.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2024.

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