

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1175

Chapter 170, Laws of 2023

68th Legislature
2023 Regular Session

PETROLEUM UNDERGROUND STORAGE TANKS—FINANCIAL ASSURANCE PROGRAM

EFFECTIVE DATE: July 23, 2023—Except for section 17, which takes effect October 1, 2023.

Passed by the House March 16, 2023
Yeas 63 Nays 31

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 35 Nays 14

DENNY HECK

President of the Senate

Approved April 25, 2023 3:22 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1175** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 26, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1175

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Doglio, Dye, and Leavitt; by request of Pollution Liability Insurance Agency)

READ FIRST TIME 02/13/23.

1 AN ACT Relating to creating a state financial assurance program
2 for petroleum underground storage tanks; amending RCW 82.23A.020;
3 reenacting and amending RCW 70A.325.020 and 43.79A.040; adding a new
4 chapter to Title 70A RCW; prescribing penalties; providing an
5 effective date; and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** The purpose of this chapter is to create a
8 state financial assurance program that adequately protects public
9 health and safety and the environment from impacts due to petroleum
10 underground storage tank system releases and meets the federal
11 requirements for financial assurance so that a petroleum release will
12 be appropriately addressed. The program focuses on prevention of
13 releases, responsiveness to any release, and emphasizes remediation
14 of releases in areas of risk for drinking water impacts or to
15 equitably protect human health and the environment in communities
16 that are marginalized, overburdened, and underserved. The program is
17 administered by the pollution liability insurance agency.

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

- 1 (1) "Agency" means the pollution liability insurance agency.
- 2 (2) "Annual aggregate" means the maximum amount of money the
3 program will pay for all of an owner's or operator's eligible costs
4 associated with a petroleum underground storage tank in one year.
- 5 (3) "Bodily injury" means actual medically documented costs and
6 medically documentable future costs of adverse health effects that
7 have resulted from exposure to a release from a petroleum underground
8 storage tank. The term does not include pain and suffering.
- 9 (4) "Director" means the director or designee of the state
10 pollution liability insurance agency.
- 11 (5) "Loss declaration form" means a request for payment from the
12 state financial assurance program filed by the owner or operator.
- 13 (6) "Loss reserve" means the amount set aside by the agency for
14 cost and expenses related to requests that have been made by an owner
15 or operator.
- 16 (7) "Occurrence" means an accident, including continuous or
17 repeated exposure to conditions, that results in a release from a
18 petroleum underground storage tank.
- 19 (8) "Operator" means a person in control of, or having
20 responsibility for, the daily operation of a petroleum underground
21 storage tank.
- 22 (9) "Owner" means a person who owns a petroleum underground
23 storage tank.
- 24 (10) "Per occurrence" means the period of time from
25 identification through remediation of a release from a petroleum
26 underground storage tank.
- 27 (11) "Petroleum" means any petroleum-based substance, including
28 crude oil or any fraction that is liquid at standard conditions of
29 temperature and pressure. "Petroleum" includes, but is not limited
30 to, petroleum and petroleum-based substances comprised of a complex
31 blend of hydrocarbons, such as motor fuels, jet fuels, distillate
32 fuel oils, residual fuel oils, lubricants, petroleum solvents, used
33 oils, and heating oils. The term does not include propane, asphalt,
34 or any other petroleum product that is not liquid at standard
35 conditions of temperature and pressure. Standard conditions of
36 temperature and pressure are at 60 degrees Fahrenheit and 14.7 pounds
37 per square inch absolute.
- 38 (12) "Petroleum underground storage tank" means an underground
39 storage tank system regulated under chapter 70A.355 RCW or subtitle I

1 of the solid waste disposal act (42 U.S.C. chapter 82, subchapter IX)
2 that is used for storing petroleum.

3 (13) "Petroleum underground storage tank facility" means the
4 location where the petroleum underground storage tank is located. The
5 term encompasses all real property under common ownership associated
6 with the operation of the petroleum underground storage tank.

7 (14) "Program" means the state financial assurance program
8 created in this chapter.

9 (15) "Property damage" means a documented adverse physical impact
10 to structures or property as a result of a release from a petroleum
11 underground storage tank.

12 (16) "Release" has the same meaning as defined in RCW
13 70A.305.020.

14 (17) "Remedial action" has the same meaning as defined in RCW
15 70A.305.020.

16 (18) "Surplus reserve" means the amount set aside by the agency
17 to provide financial protection from unexpected losses.

18 (19) "Third-party claim" means a civil action brought or asserted
19 by an injured party against an owner or operator of a petroleum
20 underground storage tank for bodily injury or property damages
21 resulting from a release from a petroleum underground storage tank.
22 The following entities are not considered a third party: A petroleum
23 underground storage tank owner or operator; the owner of the property
24 where the petroleum underground storage tank is located; a person to
25 whom properties are transferred in anticipation of damage due to a
26 release; employees or agents of an owner or operator; or employees or
27 agents of the property owner.

28 NEW SECTION. **Sec. 3.** (1) The agency must establish and
29 administer a state financial assurance program for owners and
30 operators of petroleum underground storage tanks that meets the
31 financial responsibility requirements established under chapter
32 70A.355 RCW.

33 (2) To participate in the program, an owner or operator must
34 register a petroleum underground storage tank in accordance with
35 procedures established by the agency and maintain compliance with the
36 program eligibility requirements established by the agency. The
37 agency may remove from the program any owner or operator who fails to
38 maintain compliance with the program eligibility requirements.

1 (3) The agency may conduct an assessment of a registered
2 petroleum underground storage tank facility and any release from the
3 petroleum underground storage tank to determine program or cost
4 eligibility. If an owner or operator does not allow an assessment,
5 the agency may remove the owner or operator from the program or deny
6 requests for payment under the program.

7 (4) Under the program, the agency may provide an eligible owner
8 or operator of a registered petroleum underground storage tank the
9 following financial assurances:

10 (a) For releases occurring after tank registration, up to
11 \$2,000,000 per occurrence for taking remedial action and for
12 compensating third parties for bodily injury and property damage
13 caused by the release during the time the tank is registered by the
14 owner or operator; and

15 (b) For releases occurring prior to tank registration, up to
16 \$1,000,000 per occurrence for taking remedial action.

17 (5) Under the program, the agency may not expend more than
18 \$3,000,000 per state fiscal year for multiple occurrences involving a
19 single petroleum underground storage tank.

20 (6) The agency may prioritize funding for a release under the
21 program based on the following factors:

22 (a) The threats posed by the release to human health and the
23 environment;

24 (b) Whether the population threatened by the release may include
25 a vulnerable population or an overburdened community as defined in
26 RCW 70A.02.010; and

27 (c) Other factors specified by the agency.

28 (7) Claims for remedial action costs will receive priority over
29 payment of a third-party claim. Before funding any third-party claim
30 resulting from a release under the program, the agency must reserve
31 the estimated cost of any remedial actions necessary to address the
32 release, and if funding is remaining then payment may be made on an
33 eligible third-party claim.

34 (8) Funding for remedial actions and third-party claims under the
35 program is limited to the reasonable and necessary eligible costs
36 established by the agency.

37 (a) For remedial actions, the agency may establish a range of
38 eligible costs or base payment of eligible costs on criteria to be
39 met by persons who contract to perform remedial actions.

1 (b) The agency is not liable for any costs for remedial actions
2 or third-party claims under the program where no owner or operator
3 exists.

4 (9) The agency may require an agency representative to be present
5 during the removal of a registered petroleum underground storage
6 tank. If an owner or operator does not allow an agency representative
7 to be present during the removal or does not comply with procedures
8 established by the agency, the agency may deny requests for payment
9 of tank removal costs under the program.

10 NEW SECTION. **Sec. 4.** The agency must by rule establish a fee to
11 recover from owners and operators of registered petroleum underground
12 storage tanks the cost of administering the program. The fee may be
13 collected on an annual basis and may not exceed \$25,000 per petroleum
14 underground storage tank per year.

15 NEW SECTION. **Sec. 5.** (1) The agency may require an owner or
16 operator to return any cost overpayment made by the agency under this
17 chapter. If the cost overpayment is not returned upon request by the
18 agency:

19 (a) The agency may file a lien on the petroleum underground
20 storage tank facility or other property owned by the owner or
21 operator under section 8 of this act to recover the cost overpayment;
22 and

23 (b) The attorney general, at the request of the agency, may
24 commence a civil action against the owner or operator in superior
25 court to recover the cost overpayment and the agency's administrative
26 and legal expenses to recover the cost overpayment.

27 (2) The agency may require an owner or operator to return any
28 cost payment made by the agency under this chapter if the owner or
29 operator misrepresents or omits a fact relevant to a determination
30 made by the agency under this chapter or if the owner or operator
31 fails to complete the remedial action that the agency determined at
32 the time of the cost payment to be necessary to adequately address
33 the release. If the cost payment is not returned as required by the
34 agency:

35 (a) The agency may file a lien on the petroleum underground
36 storage tank facility or other property owned by the owner or
37 operator under section 8 of this act to recover the cost payment; and

1 (b) The attorney general, at the request of the agency, may
2 commence a civil action against the owner or operator in superior
3 court to recover:

4 (i) The cost payment;

5 (ii) A civil penalty as determined by the court up to the full
6 amount of the cost payment, if the agency's repayment request is
7 based on willful actions of the owner or operator; and

8 (iii) The agency's administrative and legal expenses to recover
9 the cost payment.

10 (3) If a person, with intent to defraud, submits a loss
11 declaration form, or issues an invoice or other demand for payment
12 under this chapter with knowledge that it is false in whole or in
13 part, and with knowledge that it is being submitted to the agency for
14 cost payment, the agency may require that the person return any cost
15 payment received based on the false loss declaration form, invoice,
16 or other demand for payment. If the cost payment is not returned as
17 required by the agency:

18 (a) The agency may file a lien on the petroleum underground
19 storage tank facility or other property owned by the owner or
20 operator under section 8 of this act to recover the cost payment; and

21 (b) The attorney general, at the request of the agency, may
22 commence a civil action against the person in superior court to
23 recover:

24 (i) The cost payment;

25 (ii) A civil penalty as determined by the court up to the full
26 amount of the cost payment; and

27 (iii) The agency's administrative and legal expenses to recover
28 the cost payment.

29 NEW SECTION. **Sec. 6.** (1) The agency may conduct remedial
30 actions to investigate or clean up a release from a petroleum
31 underground storage tank registered under the state financial
32 assurance program if the following conditions are met:

33 (a) The owner or operator has received, or is eligible to
34 receive, funding for remedial actions under the program; and

35 (b) The owner or operator provides consent for the agency to:

36 (i) Conduct the remedial actions; and

37 (ii) Enter upon the real property to conduct the remedial
38 actions.

1 (2) The agency may not expend more per occurrence to take
2 remedial action under this section than the financial assurance
3 limits specified in section 3 of this act.

4 NEW SECTION. **Sec. 7.** (1) The agency may conduct remedial
5 actions to investigate or clean up a release from a petroleum
6 underground storage tank, even if the petroleum underground storage
7 tank is not registered under the state financial assurance program,
8 if the following conditions are met:

9 (a) The release occurs in an area of risk for drinking water
10 impacts or where addressing the release is necessary to equitably
11 protect human health and the environment in communities that have
12 been marginalized, overburdened, and underserved;

13 (b) The owner or operator, or owner of the property where the
14 petroleum underground storage tank is located, provides consent for
15 the agency to:

16 (i) Conduct the remedial actions;

17 (ii) Enter upon the real property to conduct the remedial
18 actions; and

19 (iii) Recover the costs of the remedial actions from the owner or
20 operator or potentially liable persons; and

21 (c) The owner of the petroleum underground storage tank facility
22 consents to the agency filing a lien on the facility under section 8
23 of this act to recover the agency's remedial action costs.

24 (2) The agency may seek recovery of any remedial action costs
25 incurred by the agency under this section from any liable person. The
26 agency may file a lien on the petroleum underground storage tank
27 facility under section 8 of this act to recover the agency's remedial
28 action costs. The attorney general, at the request of the agency, may
29 commence a civil action against any liable person to recover the
30 agency's remedial action costs.

31 NEW SECTION. **Sec. 8.** (1) The agency may file a lien against the
32 petroleum underground storage tank facility where the petroleum
33 underground storage tank is located or property owned by the owner or
34 operator of the petroleum underground storage tank if the agency
35 incurs remedial action costs under section 7 of this act or demands
36 repayment of costs paid under section 5 of this act and those costs
37 are not recovered by the agency.

1 (a) A lien filed under this section may not exceed the remedial
2 action costs incurred or repayments demanded 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 petroleum underground storage tank facility on which the lien is to
11 be filed, mortgagees, and lienholders of record.

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

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

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

23 (iii) A statement of the remedial action costs incurred or
24 repayments demanded by the agency.

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

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

38 (4) Unless the agency determines it is in the public interest to
39 remove the lien, the lien continues until the liabilities for the
40 remedial action costs incurred or repayments demanded by the agency

1 have been satisfied through sale of the real property, foreclosure,
2 or other means agreed to by the agency. Any action for foreclosure of
3 the lien must be brought by the attorney general in a civil action in
4 the court having jurisdiction and in the manner prescribed for
5 judicial foreclosure of a mortgage under chapter 61.24 RCW.

6 (5) The agency may not file a lien under this section against a
7 petroleum underground storage tank owned by a local government.

8 NEW SECTION. **Sec. 9.** (1) The following moneys must be deposited
9 into the pollution liability insurance program trust account created
10 in RCW 70A.325.020:

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

13 (b) All fees or contributions collected from owners or operators
14 under section 4 of this act;

15 (c) Any recovery of remedial action costs incurred by the agency
16 under this act; and

17 (d) Any payments recovered or civil penalties collected by the
18 agency under section 5 of this act.

19 (2) Moneys in the pollution liability insurance program trust
20 account created in RCW 70A.325.020 may be used by the agency to carry
21 out the purposes of this chapter.

22 NEW SECTION. **Sec. 10.** (1) The agency must monitor the
23 performance of the state financial assurance program and, after the
24 end of each biennium, publish a financial report on the program
25 showing administrative and other expenses paid from the program.

26 (2) For each calendar quarter, the agency must determine the loss
27 and surplus reserves required for the state financial assurance
28 program. The agency must notify the department of revenue of this
29 amount by the 15th day of each calendar quarter.

30 NEW SECTION. **Sec. 11.** (1) The agency must adopt rules under
31 chapter 34.05 RCW as necessary to carry out the provisions of this
32 chapter. To accelerate remedial actions, the agency may implement the
33 program through interpretative guidance pending adoption of rules.

34 (2) The department of ecology must adopt rules under chapter
35 34.05 RCW to enable use of the program authorized under this chapter
36 to meet the financial responsibility requirements of chapter 70A.355

1 RCW. The rules must be consistent with and no less stringent than the
2 federal regulations.

3 NEW SECTION. **Sec. 12.** (1) A person may request a review by the
4 director of the following agency decisions by submitting a written
5 request, specifying the basis for the review, in accordance with
6 procedures established by the agency:

- 7 (a) A denial of program eligibility;
- 8 (b) A denial of eligibility for payment under the program;
- 9 (c) Amount of payment allowed for remedial actions;
- 10 (d) Amount of payment allowed for a third-party claim; and
- 11 (e) An agency request for cost repayment under section 5 of this
12 act.

13 (2) A person has 45 days after the decision to file a written
14 request for review with the director. If the written request for
15 review is received within 45 days, the director shall conduct an
16 adjudicative hearing under chapter 34.05 RCW.

17 NEW SECTION. **Sec. 13.** (1) Nothing in this chapter establishes
18 or creates any liability or responsibility on the part of the agency
19 or the state as administrators of the program to pay any costs for
20 remedial actions or third-party claims from any source other than the
21 pollution liability insurance program trust account.

22 (2) The agency and the state as administrators of the program
23 have no liability or responsibility to make payments for remedial
24 action costs or third-party claims if the moneys in the account are
25 insufficient.

26 (3) If the moneys in the account are insufficient to make the
27 payments at the time the loss declaration form is filed, these
28 requests must be paid in the order of filing at such time as moneys
29 accrue in the account, except for releases from a petroleum
30 underground storage tank that present an imminent threat to human
31 health and the environment must receive first priority for receiving
32 moneys to eliminate the imminent threat.

33 NEW SECTION. **Sec. 14.** Officers, employees, and authorized
34 representatives of the agency and the state of Washington are immune
35 from civil liability and no cause of action of any nature may arise
36 from any act or omission in exercising powers and duties under this
37 chapter.

1 NEW SECTION. **Sec. 15.** (1) Nothing in this chapter limits the
2 authority of the department of ecology under chapter 70A.305 RCW.

3 (2) Nothing in this chapter affects or modifies the obligations
4 or liability of any person under any other state or federal law.

5 (3) The agency is authorized to recover the costs of remedial
6 actions conducted by the agency under this act, including the use of
7 cost recovery options in the model toxics control act, chapter
8 70A.305 RCW, or other applicable state or federal laws.

9 NEW SECTION. **Sec. 16.** This chapter expires July 1, 2030.

10 **Sec. 17.** RCW 82.23A.020 and 2020 c 20 s 1484 are each amended to
11 read as follows:

12 (1) A tax is imposed on the privilege of possession of petroleum
13 products in this state. The rate of the tax shall be thirty one-
14 hundredths of one percent multiplied by the wholesale value of the
15 petroleum product. (~~(After July 1, 2021, the rate of tax is fifteen~~
16 ~~one-hundredths of one percent multiplied by the wholesale value of~~
17 ~~the petroleum product.)) For purposes of determining the tax imposed
18 under this section for petroleum products introduced at the rack, the
19 wholesale value is determined when the petroleum product is removed
20 at the rack unless the removal is to an exporter licensed under
21 chapter 82.38 RCW for direct delivery to a destination outside of the
22 state. For all other cases, the wholesale value is determined upon
23 the first nonbulk possession in the state.~~

24 (2) Except as identified in RCW 70A.345.130, moneys collected
25 under this chapter shall be deposited in the pollution liability
26 insurance program trust account under RCW 70A.325.020.

27 (3) Chapter 82.32 RCW applies to the tax imposed in this chapter.
28 The tax due dates, reporting periods, and return requirements
29 applicable to chapter 82.04 RCW apply equally to the tax imposed in
30 this chapter.

31 (4) Within (~~thirty~~) 30 days after the end of each calendar
32 quarter the department shall determine the "quarterly balance," which
33 shall be the cash balance in the pollution liability insurance
34 program trust account as of the last day of that calendar quarter,
35 after excluding the reserves determined for that quarter under RCW
36 70A.325.020(2) and chapter 70A.--- RCW (the new chapter created in
37 section 22 of this act). Balance determinations by the department
38 under this section are final and shall not be used to challenge the

1 validity of any tax imposed under this section. For each subsequent
2 calendar quarter, tax shall be imposed under this section during the
3 entire calendar quarter unless:

4 (a) Tax was imposed under this section during the immediately
5 preceding calendar quarter, and the most recent quarterly balance is
6 more than (~~fifteen million dollars~~) \$30,000,000; or

7 (b) Tax was not imposed under this section during the immediately
8 preceding calendar quarter, and the most recent quarterly balance is
9 more than (~~seven million five hundred thousand dollars~~)
10 \$15,000,000.

11 **Sec. 18.** RCW 70A.325.020 and 2020 c 156 s 4 and 2020 c 20 s 1383
12 are each reenacted and amended to read as follows:

13 (1) The pollution liability insurance program trust account is
14 established in the custody of the state treasurer. (~~All funds
15 appropriated for this chapter and all premiums collected for
16 reinsurance shall be deposited in the account. Except as provided in
17 chapter 70A.345 RCW, expenditures from the account shall be used
18 exclusively for the purposes of this chapter including payment of
19 costs of administering the pollution liability insurance program and
20 emergency program.~~)

21 (a) The following moneys must be deposited in the account:

22 (i) All moneys specified in RCW 82.23A.020 for deposit into the
23 account;

24 (ii) All moneys appropriated to carry out the purposes of this
25 chapter and all premiums collected for reinsurance under this
26 chapter; and

27 (iii) All moneys specified in section 9 of this act.

28 (b) Except as provided in chapter 70A.345 RCW, expenditures from
29 the account must be used exclusively for:

30 (i) The purposes of this chapter, including payment of costs of
31 administering the pollution liability insurance program and emergency
32 program; and

33 (ii) The purposes of chapter 70A.--- RCW (the new chapter created
34 in section 22 of this act), including, but not limited to,
35 establishing and administering the state financial assurance program
36 for petroleum underground storage tanks authorized by chapter 70A.---
37 RCW (the new chapter created in section 22 of this act).

38 (c) Expenditures for payment of administrative and operating
39 costs of the agency are subject to the allotment procedures under

1 chapter 43.88 RCW and may be made only after appropriation by
2 statute. No appropriation is required for other expenditures from the
3 account.

4 (2) Each calendar quarter, the director shall report to the
5 insurance commissioner the loss and surplus reserves required for the
6 calendar quarter. The director shall notify the department of revenue
7 of this amount by the ((fifteenth)) 15th day of each calendar
8 quarter.

9 ~~((3) During the 2019-2021 fiscal biennium, the legislature may
10 make appropriations from the pollution liability insurance program
11 trust account for the leaking tank model remedies activity.))~~

12 **Sec. 19.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022
13 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read
14 as follows:

15 (1) Money in the treasurer's trust fund may be deposited,
16 invested, and reinvested by the state treasurer in accordance with
17 RCW 43.84.080 in the same manner and to the same extent as if the
18 money were in the state treasury, and may be commingled with moneys
19 in the state treasury for cash management and cash balance purposes.

20 (2) All income received from investment of the treasurer's trust
21 fund must be set aside in an account in the treasury trust fund to be
22 known as the investment income account.

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

31 (4)(a) Monthly, the state treasurer must distribute the earnings
32 credited to the investment income account to the state general fund
33 except under (b), (c), and (d) of this subsection.

34 (b) The following accounts and funds must receive their
35 proportionate share of earnings based upon each account's or fund's
36 average daily balance for the period: The 24/7 sobriety account, the
37 Washington promise scholarship account, the Gina Grant Bull memorial
38 legislative page scholarship account, the Rosa Franklin legislative
39 internship program scholarship account, the Washington advanced

1 college tuition payment program account, the Washington college
2 savings program account, the accessible communities account, the
3 Washington achieving a better life experience program account, the
4 Washington career and college pathways innovation challenge program
5 account, the community and technical college innovation account, the
6 agricultural local fund, the American Indian scholarship endowment
7 fund, the behavioral health loan repayment program account, the
8 foster care scholarship endowment fund, the foster care endowed
9 scholarship trust fund, the contract harvesting revolving account,
10 the Washington state combined fund drive account, the commemorative
11 works account, the county enhanced 911 excise tax account, the county
12 road administration board emergency loan account, the toll collection
13 account, the developmental disabilities endowment trust fund, the
14 energy account, the energy facility site evaluation council account,
15 the fair fund, the family and medical leave insurance account, the
16 fish and wildlife federal lands revolving account, the natural
17 resources federal lands revolving account, the food animal
18 veterinarian conditional scholarship account, the forest health
19 revolving account, the fruit and vegetable inspection account, the
20 educator conditional scholarship account, the game farm alternative
21 account, the GET ready for math and science scholarship account, the
22 Washington global health technologies and product development
23 account, the grain inspection revolving fund, the Washington history
24 day account, the industrial insurance rainy day fund, the juvenile
25 accountability incentive account, the law enforcement officers' and
26 firefighters' plan 2 expense fund, the local tourism promotion
27 account, the low-income home rehabilitation revolving loan program
28 account, the multiagency permitting team account, the northeast
29 Washington wolf-livestock management account, the pollution liability
30 insurance program trust account, the produce railcar pool account,
31 the public use general aviation airport loan revolving account, the
32 regional transportation investment district account, the rural
33 rehabilitation account, the Washington sexual assault kit account,
34 the stadium and exhibition center account, the youth athletic
35 facility account, the self-insurance revolving fund, the children's
36 trust fund, the Washington horse racing commission Washington bred
37 owners' bonus fund and breeder awards account, the Washington horse
38 racing commission class C purse fund account, the individual
39 development account program account, the Washington horse racing
40 commission operating account, the life sciences discovery fund, the

1 Washington state library-archives building account, the reduced
2 cigarette ignition propensity account, the center for deaf and hard
3 of hearing youth account, the school for the blind account, the
4 Millersylvania park trust fund, the public employees' and retirees'
5 insurance reserve fund, the school employees' benefits board
6 insurance reserve fund, the public employees' and retirees' insurance
7 account, the school employees' insurance account, the long-term
8 services and supports trust account, the radiation perpetual
9 maintenance fund, the Indian health improvement reinvestment account,
10 the department of licensing tuition recovery trust fund, the student
11 achievement council tuition recovery trust fund, the tuition recovery
12 trust fund, the Washington student loan account, the industrial
13 insurance premium refund account, the mobile home park relocation
14 fund, the natural resources deposit fund, the Washington state health
15 insurance pool account, the federal forest revolving account, and the
16 library operations account.

17 (c) The following accounts and funds must receive 80 percent of
18 their proportionate share of earnings based upon each account's or
19 fund's average daily balance for the period: The advance right-of-way
20 revolving fund, the advanced environmental mitigation revolving
21 account, the federal narcotics asset forfeitures account, the high
22 occupancy vehicle account, the local rail service assistance account,
23 and the miscellaneous transportation programs account.

24 (d) Any state agency that has independent authority over accounts
25 or funds not statutorily required to be held in the custody of the
26 state treasurer that deposits funds into a fund or account in the
27 custody of the state treasurer pursuant to an agreement with the
28 office of the state treasurer shall receive its proportionate share
29 of earnings based upon each account's or fund's average daily balance
30 for the period.

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

34 NEW SECTION. **Sec. 20.** Section 17 of this act takes effect
35 October 1, 2023.

36 NEW SECTION. **Sec. 21.** Section 19 of this act expires July 1,
37 2030.

1 NEW SECTION. **Sec. 22.** Sections 1 through 16 of this act
2 constitute a new chapter in Title 70A RCW.

Passed by the House March 16, 2023.

Passed by the Senate April 11, 2023.

Approved by the Governor April 25, 2023.

Filed in Office of Secretary of State April 26, 2023.

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