



**PROPOSED SENATE
2012 SUPPLEMENTAL
BOND BILL**

**PROPOSED SUBSTITUTE
SENATE BILL 5127**

SENATE CHAIR

**SENATE WAYS & MEANS COMMITTEE
FEBRUARY 28, 2012**

1 AN ACT Relating to funding capital projects; amending RCW 82.21.030
2 and 43.155.050; reenacting and amending RCW 70.105D.070; adding new
3 chapters to Title 43 RCW; creating new sections; and declaring an
4 emergency.

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

6 **PART I**
7 **BOND AUTHORIZATION**

8 NEW SECTION. **Sec. 1001.** For the purpose of providing funds to
9 finance the projects described and authorized by the legislature in the
10 capital and operating appropriations acts for the 2011-2013 fiscal
11 biennium, and all costs incidental thereto, the state finance committee
12 is authorized to issue general obligation bonds of the state of
13 Washington in the sum of four hundred forty-eight million one hundred
14 twenty-four thousand dollars, or as much thereof as may be required, to
15 finance these projects and all costs incidental thereto. Bonds
16 authorized in this section may be sold at such price as the state
17 finance committee shall determine. No bonds authorized in this section

1 may be offered for sale without prior legislative appropriation of the
2 net proceeds of the sale of the bonds.

3 NEW SECTION. **Sec. 1002.** (1) The proceeds from the sale of the
4 bonds authorized in section 1001 of this act shall be deposited in the
5 state building construction account created by RCW 43.83.020. The
6 proceeds shall be transferred as follows:

7 (a) Three hundred eighty-nine million three hundred thirty-seven
8 thousand dollars to remain in the state building construction account
9 created by RCW 43.83.020;

10 (b) Fifty million five hundred thousand dollars to the state
11 taxable building construction account. All receipts from taxable bond
12 issues are to be deposited into the account. If the state finance
13 committee deems it necessary or advantageous to issue more than the
14 amount specified in this subsection (1)(b) as taxable bonds in order to
15 comply with federal internal revenue service rules and regulations
16 pertaining to the use of nontaxable bond proceeds or in order to reduce
17 the total financing costs for bonds issued, the proceeds of such
18 additional taxable bonds shall be transferred to the state taxable
19 building construction account in lieu of any transfer otherwise
20 provided by this section. If the state finance committee determines
21 that a portion of the amount specified in this subsection (1)(b) as
22 taxable bonds may be issued as nontaxable bonds in compliance with
23 federal internal revenue service rules and regulations pertaining to
24 the use of nontaxable bond proceeds, then such bond proceeds shall be
25 transferred to the state building construction account in lieu of the
26 transfer to the state taxable building construction account otherwise
27 provided by this subsection (1)(b). The state treasurer shall submit
28 written notice to the director of financial management if it is
29 determined that any such additional transfer to the state taxable
30 building construction account is necessary or that a transfer from the
31 state taxable building construction account to the state building
32 construction account may be made. Moneys in the account may be spent
33 only after appropriation.

34 (2) These proceeds shall be used exclusively for the purposes
35 specified in this section and for the payment of expenses incurred in
36 the issuance and sale of the bonds issued for the purposes of this

1 section, and shall be administered by the office of financial
2 management subject to legislative appropriation.

3 NEW SECTION. **Sec. 1003.** (1) The debt-limit general fund bond
4 retirement account shall be used for the payment of the principal of
5 and interest on the bonds authorized in section 1002(1)(a) through (b)
6 of this act.

7 (2) The state finance committee shall, on or before June 30th of
8 each year, certify to the state treasurer the amount needed in the
9 ensuing twelve months to meet the bond retirement and interest
10 requirements on the bonds authorized in section 1002(1)(a) through (b)
11 of this act.

12 (3) On each date on which any interest or principal and interest
13 payment is due on bonds issued for the purposes of section 1002(1)(a)
14 through (b) of this act, the state treasurer shall withdraw from any
15 general state revenues received in the state treasury and deposit in
16 the debt-limit general fund bond retirement account an amount equal to
17 the amount certified by the state finance committee to be due on the
18 payment date.

19 NEW SECTION. **Sec. 1004.** (1) Bonds issued under sections 1001
20 through 1003 of this act shall state that they are a general obligation
21 of the state of Washington, shall pledge the full faith and credit of
22 the state to the payment of the principal thereof and the interest
23 thereon, and shall contain an unconditional promise to pay the
24 principal and interest as the same shall become due.

25 (2) The owner and holder of each of the bonds or the trustee for
26 the owner and holder of any of the bonds may by mandamus or other
27 appropriate proceeding require the transfer and payment of funds as
28 directed in this section.

29 NEW SECTION. **Sec. 1005.** The legislature may provide additional
30 means for raising moneys for the payment of the principal of and
31 interest on the bonds authorized in section 1001 of this act, and
32 sections 1002 and 1003 of this act shall not be deemed to provide an
33 exclusive method for the payment.

1 PART II

2 ENVIRONMENTAL CLEANUP AND RESTORATION

3 NEW SECTION. **Sec. 2001.** ENVIRONMENTAL CLEANUP AND RESTORATION--
4 INTENT. It is the intent of the legislature to accelerate construction
5 of environmental cleanup and restoration projects.

6 NEW SECTION. **Sec. 2002.** BONDS AUTHORIZED FOR ENVIRONMENTAL
7 CLEANUP AND RESTORATION. (1) For the purpose of financing
8 environmental cleanup and restoration, the state finance committee is
9 authorized to issue a total of two hundred thirty-eight million five
10 hundred thousand dollars of limited tax obligation bonds of the state
11 of Washington.

12 (2) The state finance committee shall supervise and provide for the
13 sale, issuance, and retirement of the bonds authorized by this section
14 and sections 2003 through 2007 of this act in accordance with chapter
15 39.42 RCW. Bonds authorized by this section and sections 2003 through
16 2007 of this act shall be sold in the manner, at the time or times, in
17 one or more series, in amounts, and at the prices as the state finance
18 committee shall determine. No bonds may be offered for sale without
19 prior legislative appropriation of the net proceeds of the sale of the
20 bonds.

21 (3) The state finance committee may determine and include in any
22 resolution authorizing the issuance of any bonds authorized by this
23 section and sections 2003 through 2007 of this act such terms,
24 provisions, covenants, and conditions as it may deem appropriate in
25 order to assist with the marketing and sale of the bonds, confer rights
26 upon the owners of bonds, and safeguard rights of the owners of bonds,
27 including, among other things:

28 (a) Provisions that the bonds shall be payable solely from and
29 secured solely by the tax revenues received in the environmental
30 cleanup and restoration account and by amounts in the 2012 jobs act
31 credit enhancement reserve account created in section 3001 of this act;

32 (b) The conditions that must be satisfied prior to the issuance of
33 any additional bonds that are to be payable from and secured by the tax
34 revenues received in the environmental cleanup and restoration account
35 on an equal basis with previously issued and outstanding bonds payable
36 from the tax revenues received in the environmental cleanup and
37 restoration account;

1 (c) Provisions regarding reserves and credit enhancement,
2 including, without limitation, the 2012 jobs act credit enhancement
3 reserve account created in section 3001 of this act; and

4 (d) Whether bonds may be issued as tax-exempt bonds or must be
5 issued as taxable bonds under the applicable provisions of the federal
6 internal revenue code.

7 (4) Bond proceeds must be used exclusively for the purposes
8 specified in subsection (1) of this section.

9 NEW SECTION. **Sec. 2003.** ENVIRONMENTAL CLEANUP AND RESTORATION
10 ACCOUNT REVENUES PLEDGED TO BONDS. Each bond issued under the
11 authority of section 2002 of this act shall distinctly state that
12 payment or redemption of the bond and payment of the interest and any
13 premium thereon is payable solely from and secured solely by a pledge
14 of the tax revenues received from the tax imposed pursuant to RCW
15 82.21.030(1) and deposited in the environmental cleanup and restoration
16 account pursuant to RCW 82.21.030(2) and by amounts in the 2012 jobs
17 act credit enhancement reserve account created in section 3001 of this
18 act and is not a general obligation of the state to which the full
19 faith and credit of the state is pledged. The legislature pledges to
20 appropriate the tax revenues pledged to the payment of the bonds issued
21 under sections 2002 through 2007 of this act. The legislature further
22 agrees for the benefit of the owners of outstanding bonds issued by the
23 state under sections 2002 through 2007 of this act to continue in
24 effect and not to impair or withdraw the authorization of the
25 imposition, collection, and transfer of the tax as provided in RCW
26 82.21.030 (1) and (2) for payment of the bonds. The state finance
27 committee shall include this pledge and agreement of the state to
28 owners of any bonds issued under sections 2002 through 2007 of this
29 act. The owner of any bond or the trustee for the owner of any of the
30 bonds may by mandamus or other appropriate proceeding require the
31 transfer and payment of pledged funds as directed in this section.

32 NEW SECTION. **Sec. 2004.** ENVIRONMENTAL CLEANUP AND RESTORATION
33 CONSTRUCTION BOND PROCEEDS ACCOUNT. The proceeds from the sale of the
34 bonds authorized in sections 2002 through 2007 of this act shall be
35 deposited in the environmental cleanup and restoration construction
36 bond proceeds account hereby created in the state treasury. Moneys in

1 the account may be spent only after appropriation. Moneys in the
2 account may be appropriated only for the construction and improvement
3 of environmental cleanup and restoration projects. The state treasurer
4 may establish subaccounts in the account for the purpose of segregating
5 bond proceeds, including separate subaccounts for segregating proceeds
6 of tax-exempt bonds and taxable bonds.

7 NEW SECTION. **Sec. 2005.** ENVIRONMENTAL CLEANUP AND RESTORATION
8 BOND RETIREMENT ACCOUNT CREATED. (1) The environmental cleanup and
9 restoration bond retirement account is hereby created in the state
10 treasury. Moneys in the account must be used only for the payment of
11 the principal and interest on the bonds authorized in sections 2002
12 through 2007 of this act.

13 (2) The state finance committee must, on or before June 30th of
14 each year, certify to the state treasurer the amount needed in the
15 ensuing twelve months to meet the bond retirement and interest
16 requirements on the bonds authorized in section 2002 of this act.

17 (3) On each date on which principal and interest payment is due on
18 bonds issued for the purposes of section 2002 of this act, the state
19 treasurer shall withdraw from any tax revenues placed in the
20 environmental cleanup and restoration account and deposit in the
21 environmental cleanup and restoration bond retirement account an amount
22 equal to the amount certified by the state finance committee to be due
23 on the bond payment date. If the amount of tax revenues on deposit in
24 the environmental cleanup and restoration account is insufficient to
25 make the bond payment amount then due, the state treasurer shall
26 withdraw from the 2012 jobs act credit enhancement reserve account and
27 deposit in the environmental cleanup and restoration bond retirement
28 account the additional amount required to provide sufficient funds for
29 the bond payment amount then due.

30 NEW SECTION. **Sec. 2006.** ENVIRONMENTAL CLEANUP AND RESTORATION
31 ACCOUNT CREATED. A special account designated as the environmental
32 cleanup and restoration account is hereby created in the state
33 treasury. Deposits to the account must include the tax revenues
34 directed to the account under RCW 82.21.030(2) and any other revenues
35 directed to the account by the legislature. Expenditures from the
36 account may be made only for the specific purpose of funding

1 environmental cleanup and restoration projects including, but not
2 limited to, payment of principal and interest on bonds issued pursuant
3 to section 2002 of this act. Moneys in the account must be transferred
4 to the environmental cleanup and restoration bond retirement account as
5 required by section 2003 of this act, and any moneys in the account not
6 required for transfer to the environmental cleanup and restoration bond
7 retirement account must be transferred to the state and local toxics
8 control accounts in RCW 70.105D.070 for purposes consistent with this
9 section. Amounts so transferred to the state and local toxics control
10 accounts must be allocated at a rate of forty-seven percent to the
11 state toxics control account in RCW 70.105D.070(1) and fifty-three
12 percent to the local toxics control account in RCW 70.105D.070(3).

13 NEW SECTION. **Sec. 2007.** BONDS LEGAL INVESTMENT. The bonds
14 authorized by sections 2001 through 2006 of this act constitute a legal
15 investment for all state funds or for funds under state control and all
16 funds of municipal corporations.

17 **Sec. 2008.** RCW 82.21.030 and 1989 c 2 s 10 are each amended to
18 read as follows:

19 HAZARDOUS SUBSTANCE TAX DEDICATED TO ENVIRONMENTAL CLEANUP AND
20 RESTORATION. (1) For the specific purpose of financing environmental
21 cleanup and restoration, including, but not limited to, payment of debt
22 service on bonds issued under section 2002 of this act, a tax is
23 imposed on the privilege of possession of hazardous substances in this
24 state. The rate of the tax shall be seven-tenths of one percent
25 multiplied by the wholesale value of the substance.

26 (2) Moneys collected under this chapter shall be deposited (~~in the~~
27 ~~toxics control accounts under RCW 70.105D.070~~) into the environmental
28 cleanup and restoration account in section 2006 of this act.

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

33 **Sec. 2009.** RCW 70.105D.070 and 2011 1st sp.s. c 50 s 964 are each
34 reenacted and amended to read as follows:

1 (1) The state toxics control account and the local toxics control
2 account are hereby created in the state treasury.

3 (2) The following moneys shall be deposited into the state toxics
4 control account: (a) Those revenues which are raised by the tax
5 imposed under RCW 82.21.030 (~~and which are attributable to that~~
6 ~~portion of the rate equal to thirty three one hundredths of one~~
7 ~~percent~~) and are transferred from the environmental cleanup and
8 restoration account into the state toxics control account under section
9 2006 of this act; (b) the costs of remedial actions recovered under
10 this chapter or chapter 70.105A RCW; (c) penalties collected or
11 recovered under this chapter; and (d) any other money appropriated or
12 transferred to the account by the legislature. Moneys in the account
13 may be used only to carry out the purposes of this chapter, including
14 but not limited to the following activities:

15 (i) The state's responsibility for hazardous waste planning,
16 management, regulation, enforcement, technical assistance, and public
17 education required under chapter 70.105 RCW;

18 (ii) The state's responsibility for solid waste planning,
19 management, regulation, enforcement, technical assistance, and public
20 education required under chapter 70.95 RCW;

21 (iii) The hazardous waste cleanup program required under this
22 chapter;

23 (iv) State matching funds required under the federal cleanup law;

24 (v) Financial assistance for local programs in accordance with
25 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

26 (vi) State government programs for the safe reduction, recycling,
27 or disposal of hazardous wastes from households, small businesses, and
28 agriculture;

29 (vii) Hazardous materials emergency response training;

30 (viii) Water and environmental health protection and monitoring
31 programs;

32 (ix) Programs authorized under chapter 70.146 RCW;

33 (x) A public participation program, including regional citizen
34 advisory committees;

35 (xi) Public funding to assist potentially liable persons to pay for
36 the costs of remedial action in compliance with cleanup standards under
37 RCW 70.105D.030(2)(e) but only when the amount and terms of such
38 funding are established under a settlement agreement under RCW

1 70.105D.040(4) and when the director has found that the funding will
2 achieve both (A) a substantially more expeditious or enhanced cleanup
3 than would otherwise occur, and (B) the prevention or mitigation of
4 unfair economic hardship;

5 (xii) Development and demonstration of alternative management
6 technologies designed to carry out the hazardous waste management
7 priorities of RCW 70.105.150;

8 (xiii) During the 2009-2011 and 2011-2013 fiscal biennia, shoreline
9 update technical assistance;

10 (xiv) During the 2009-2011 fiscal biennium, multijurisdictional
11 permitting teams; and

12 (xv) During the 2011-2013 fiscal biennium, actions for reducing
13 public exposure to toxic air pollution.

14 (3) The following moneys shall be deposited into the local toxics
15 control account: Those revenues which are raised by the tax imposed
16 under RCW 82.21.030 (~~(and which are attributable to that portion of the~~
17 ~~rate equal to thirty seven one hundredths of one percent)) and are
18 transferred to the local toxics control account under section 2006 of
19 this act.~~

20 (a) Moneys deposited in the local toxics control account shall be
21 used by the department for grants or loans to local governments for the
22 following purposes in descending order of priority:

23 (i) Remedial actions;

24 (ii) Hazardous waste plans and programs under chapter 70.105 RCW;

25 (iii) Solid waste plans and programs under chapters 70.95, 70.95C,
26 70.95I, and 70.105 RCW;

27 (iv) Funds for a program to assist in the assessment and cleanup of
28 sites of methamphetamine production, but not to be used for the initial
29 containment of such sites, consistent with the responsibilities and
30 intent of RCW 69.50.511; and

31 (v) Cleanup and disposal of hazardous substances from abandoned or
32 derelict vessels, defined for the purposes of this section as vessels
33 that have little or no value and either have no identified owner or
34 have an identified owner lacking financial resources to clean up and
35 dispose of the vessel, that pose a threat to human health or the
36 environment.

37 (b) Funds for plans and programs shall be allocated consistent with
38 the priorities and matching requirements established in chapters

1 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that
2 is a Puget Sound partner, as defined in RCW 90.71.010, along with any
3 project that is referenced in the action agenda developed by the Puget
4 Sound partnership under RCW 90.71.310, shall, except as conditioned by
5 RCW 70.105D.120, receive priority for any available funding for any
6 grant or funding programs or sources that use a competitive bidding
7 process. During the 2007-2009 fiscal biennium, moneys in the account
8 may also be used for grants to local governments to retrofit public
9 sector diesel equipment and for storm water planning and implementation
10 activities.

11 (c) To expedite cleanups throughout the state, the department shall
12 partner with local communities and liable parties for cleanups. The
13 department is authorized to use the following additional strategies in
14 order to ensure a healthful environment for future generations:

15 (i) The director may alter grant-matching requirements to create
16 incentives for local governments to expedite cleanups when one of the
17 following conditions exists:

18 (A) Funding would prevent or mitigate unfair economic hardship
19 imposed by the clean-up liability;

20 (B) Funding would create new substantial economic development,
21 public recreational, or habitat restoration opportunities that would
22 not otherwise occur; or

23 (C) Funding would create an opportunity for acquisition and
24 redevelopment of vacant, orphaned, or abandoned property under RCW
25 70.105D.040(5) that would not otherwise occur;

26 (ii) The use of outside contracts to conduct necessary studies;

27 (iii) The purchase of remedial action cost-cap insurance, when
28 necessary to expedite multiparty clean-up efforts.

29 (d) To facilitate and expedite cleanups using funds from the local
30 toxics control account, during the 2009-2011 fiscal biennium the
31 director may establish grant-funded accounts to hold and disperse local
32 toxics control account funds and funds from local governments to be
33 used for remedial actions.

34 (4) Except for unanticipated receipts under RCW 43.79.260 through
35 43.79.282, moneys in the state and local toxics control accounts may be
36 spent only after appropriation by statute.

37 (5) Except during the 2009-2011 fiscal biennium, one percent of the
38 moneys deposited into the state and local toxics control accounts shall

1 be allocated only for public participation grants to persons who may be
2 adversely affected by a release or threatened release of a hazardous
3 substance and to not-for-profit public interest organizations. The
4 primary purpose of these grants is to facilitate the participation by
5 persons and organizations in the investigation and remedying of
6 releases or threatened releases of hazardous substances and to
7 implement the state's solid and hazardous waste management priorities.
8 No grant may exceed sixty thousand dollars. Grants may be renewed
9 annually. Moneys appropriated for public participation from either
10 account which are not expended at the close of any biennium shall
11 revert to the state toxics control account.

12 (6) No moneys deposited into either the state or local toxics
13 control account may be used for solid waste incinerator feasibility
14 studies, construction, maintenance, or operation, or, after January 1,
15 2010, for projects designed to address the restoration of Puget Sound,
16 funded in a competitive grant process, that are in conflict with the
17 action agenda developed by the Puget Sound partnership under RCW
18 90.71.310.

19 (7) The department shall adopt rules for grant or loan issuance and
20 performance.

21 ~~(8) ((During the 2007-2009 and 2009-2011 fiscal biennia, the~~
22 ~~legislature may transfer from the local toxics control account to~~
23 ~~either the state general fund or the oil spill prevention account, or~~
24 ~~both such amounts as reflect excess fund balance in the account.~~

25 ~~(9) During the 2009-2011 fiscal biennium, the local toxics control~~
26 ~~account may also be used for a standby rescue tug at Neah Bay, local~~
27 ~~government shoreline update grants, private and public sector diesel~~
28 ~~equipment retrofit, and oil spill prevention, preparedness, and~~
29 ~~response activities.~~

30 ~~(10) During the 2009-2011 fiscal biennium, the legislature may~~
31 ~~transfer from the state toxics control account to the state general~~
32 ~~fund such amounts as reflect the excess fund balance in the account.~~

33 ~~(11))~~ During the 2011-2013 fiscal biennium, the local toxics
34 control account may also be used for local government shoreline update
35 grants and actions for reducing public exposure to toxic air pollution.

36 (9) During the 2011-2013 fiscal biennium, the legislature may
37 transfer from the local toxics control account and the state toxics

1 control account to the 2012 jobs act credit enhancement reserve account
2 such amounts as reflect the excess fund balance of the account.

3 **PART III**
4 **RESERVE FUND**

5 NEW SECTION. **Sec. 3001.** RESERVE ACCOUNT ESTABLISHED. (1) The
6 2012 jobs act credit enhancement reserve account is hereby created in
7 the state treasury. Moneys in the account must be used exclusively to
8 secure the payment of debt service on all bonds issued by the state
9 pursuant to this act, including, without limitation, for transfers to
10 the bond retirement account as required under the provisions of section
11 2005 of this act.

12 (2) The 2012 jobs act credit enhancement reserve account
13 constitutes a reserve account for limited tax obligation bonds issued
14 by the state pursuant to section 2002 of this act. The amount on
15 deposit in the 2012 jobs act credit enhancement reserve account shall
16 be maintained in an amount equal to maximum annual debt service on all
17 outstanding bonds secured thereby or in such other amount as may be
18 required by the bond proceedings. Any withdrawal from the 2012 jobs
19 act credit enhancement reserve account to pay debt service on bonds
20 secured thereby shall be replenished within six months after the
21 withdrawal or in such other manner as may be required by the bond
22 proceedings by transfers from the public works assistance account
23 required by section 3002 of this act.

24 (3) By July 1st of each year, the state treasurer must transfer
25 sufficient amounts from loan repayment revenues received in the public
26 works assistance account under RCW 43.155.060(1) to the 2012 jobs act
27 credit enhancement reserve account so that the account balance is equal
28 to the sum of the amounts certified in sections 2005 of this act.

29 **Sec. 3002.** RCW 43.155.050 and 2011 1st sp.s. c 50 s 951 are each
30 amended to read as follows:

31 PUBLIC WORKS ASSISTANCE ACCOUNT LOAN REPAYMENTS DEDICATED TO
32 RESERVE. (1) The public works assistance account is hereby established
33 in the state treasury. Money may be placed in the public works
34 assistance account from the proceeds of bonds when authorized by the
35 legislature or from any other lawful source.

1 (2) Money in the public works assistance account shall be used to
2 make loans and to give financial guarantees to local governments for
3 public works projects.

4 (3) Repayments of loans made under this chapter must be deposited
5 in the public works assistance account. Moneys in the account received
6 from loan repayments under RCW 43.155.060(1) also must be transferred
7 to the 2012 jobs act credit enhancement reserve account as required to
8 maintain a balance therein as provided by section 3001 of this act and
9 to secure payment of debt service on all bonds issued by the state
10 under this act in accordance with the bond proceedings. The
11 legislature pledges to continue and maintain and not to impair the
12 statutory and financial framework contained in this act and in this
13 chapter to provide loan repayments under RCW 43.155.060(1) and to fund
14 transfers to the 2012 jobs act credit enhancement reserve account as
15 required to secure payment of debt service on limited tax obligation
16 bonds issued by the state under this act in accordance with the bond
17 proceedings. The legislature further pledges to continue to use
18 amounts held in the public works assistance account to make loans to
19 local governments for public works projects in a manner that is
20 reasonably calculated to produce loan repayments in amounts at least
21 sufficient to meet the requirements of this subsection (3) in
22 accordance with the bond proceedings.

23 (4) Moneys in the account may also be appropriated or transferred
24 to provide for state match requirements under federal law for projects
25 ((and activities conducted and financed by the board under)) funded by
26 the drinking water assistance account and the water pollution control
27 revolving account.

28 (5) Not more than fifteen percent of the biennial capital budget
29 appropriation to the public works board from this account may be
30 expended or obligated for preconstruction loans, emergency loans, or
31 loans for capital facility planning under this chapter; of this amount,
32 not more than ten percent of the biennial capital budget appropriation
33 may be expended for emergency loans and not more than one percent of
34 the biennial capital budget appropriation may be expended for capital
35 facility planning loans. ((For the 2007-2009 biennium, moneys in the
36 account may be used for grants for projects identified in section 138,
37 chapter 488, Laws of 2005 and section 1033, chapter 520, Laws of 2007.
38 During the 2009-2011 fiscal biennium, sums in the public works

1 ~~assistance account may be used for the water pollution control~~
2 ~~revolving fund program match in section 3013, chapter 36, Laws of 2010~~
3 ~~1st sp. sess. During the 2009-2011 fiscal biennium, the legislature~~
4 ~~may transfer from the job development fund to the general fund such~~
5 ~~amounts as reflect the excess fund balance of the fund.)) During the~~
6 2011-2013 fiscal biennium, the legislature may transfer from the public
7 works assistance account to the general fund((, ~~the water pollution~~
8 ~~control revolving account, and the drinking water assistance account~~)
9 and the 2012 jobs act credit enhancement reserve account such amounts
10 as reflect the excess fund balance of the account.

11 NEW SECTION. **Sec. 3003.** FOR THE STATE TREASURER--TRANSFERS. No
12 later than June 30, 2012, the state treasurer shall transfer the sum of
13 nine million five hundred thousand dollars from the local toxics
14 control account to the 2012 jobs act credit enhancement reserve
15 account.

16 NEW SECTION. **Sec. 3004.** FOR THE STATE TREASURER--TRANSFERS. No
17 later than June 30, 2012, the state treasurer shall transfer the sum of
18 seven million five hundred thousand dollars from the state toxics
19 control account to the 2012 jobs act credit enhancement reserve
20 account.

21 **PART IV**
22 **MISCELLANEOUS**

23 NEW SECTION. **Sec. 4001.** CODIFICATION. (1) Sections 1001 through
24 1005 of this act constitute a new chapter in Title 43 RCW.

25 (2) Sections 2001 through 2007 of this act constitute a new chapter
26 in Title 43 RCW.

27 NEW SECTION. **Sec. 4002.** SEVERABILITY. If any provision of this
28 act or its application to any person or circumstance is held invalid,
29 the remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 4003.** EFFECTIVE DATE. This act is necessary

1 for the immediate preservation of the public peace, health, or safety,
2 or support of the state government and its existing public
3 institutions, and takes effect immediately.

--- END ---

