
SUBSTITUTE HOUSE BILL 2063

State of Washington

64th Legislature

2015 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Kilduff, Kagi, Jinkins, Springer, Hunter, Ormsby, Tharinger, and Tarleton)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to the creation of the Washington achieving a
2 better life experience program; amending RCW 43.330.010; reenacting
3 and amending RCW 43.79A.040; adding new sections to chapter 43.330
4 RCW; and providing an expiration date.

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

6 **Sec. 1.** RCW 43.330.010 and 2014 c 112 s 401 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Associate development organization" means a local economic
11 development nonprofit corporation that is broadly representative of
12 community interests.

13 (2) "Department" means the department of commerce.

14 (3) "Director" means the director of the department of commerce.

15 (4) "Financial institution" means a bank, trust company, mutual
16 savings bank, savings and loan association, or credit union
17 authorized to do business in this state under state or federal law.

18 (5) "Small business" has the same meaning as provided in RCW
19 39.26.010.

20 (6) "Eligible individual" means individuals entitled to benefits
21 based on blindness or disability under 42 U.S.C. Sec. 401 or 1381 et

1 seq. as amended, and such blindness or disability occurred before the
2 date the individual turned age twenty-six or an individual who has
3 filed a disability certification to the satisfaction of the secretary
4 of the United States treasury.

5 (7) "Individual Washington achieving a better life experience
6 program account" means an account established by an eligible
7 individual and owned by the eligible individual pursuant to the
8 Washington achieving a better life experience program.

9 (8) "Washington achieving a better life experience program" means
10 a savings program that allows eligible individuals to establish and
11 contribute to individual Washington achieving a better life
12 experience program accounts pursuant to section 529A of the federal
13 internal revenue code of 1986, as amended.

14 NEW SECTION. Sec. 2. A new section is added to chapter 43.330
15 RCW to read as follows:

16 (1) The Washington achieving a better life experience program is
17 created in the department. The department is authorized to
18 administer, manage, promote, and market the Washington achieving a
19 better life experience program. This program must allow for the
20 creation of savings accounts for eligible individuals with
21 disabilities and the funds must be invested.

22 (2) The department may consult with the office of the state
23 treasurer, the department of social and health services, and the
24 state investment board in implementing the Washington achieving a
25 better life experience program. The department shall adopt rules to
26 implement the Washington achieving a better life experience program.

27 (3) The department shall take any action required to keep the
28 program in compliance with requirements of this chapter and as
29 required to qualify as a "qualified ABLE program" as defined in
30 section 529A of the federal internal revenue code of 1986, as amended
31 or any rules and regulations adopted by the secretary of the United
32 States treasury pursuant to that act.

33 NEW SECTION. Sec. 3. A new section is added to chapter 43.330
34 RCW to read as follows:

35 (1) The department shall annually report to the appropriate
36 committees of the legislature by December 1st regarding the progress
37 that has been made in implementing the Washington achieving a better
38 life experience program. At a minimum, this report must include any

1 recommendations regarding legislative changes that are necessary to
2 implement the program and an estimate regarding the timeline for
3 implementing the program. The report must also include a discussion
4 of the feasibility and relative cost-benefit of using an agency or
5 instrumentality allowed by federal law and regulation other than the
6 state investment board or contracting with another state to invest
7 individual Washington achieving a better life experience program
8 account moneys.

9 (2) This section expires July 1, 2018.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330
11 RCW to read as follows:

12 (1) The Washington achieving a better life experience program
13 account is created in the custody of the state treasurer.

14 (2) The account must be self-sustaining and consist of payments
15 received from contributors to individual Washington achieving a
16 better life experience program accounts. All payments contributed to
17 the Washington achieving a better life experience program must be
18 deposited in the account. With the exception of investment and
19 operating costs associated with the investment of money by the
20 investment board paid under RCW 43.33A.160, 43.84.160, and 43.08.190,
21 the account must be credited with all investment income earned by the
22 account. Disbursements from the account are exempt from
23 appropriations and the allotment provisions of chapter 43.88 RCW. An
24 appropriation is not required for expenditures.

25 (3) The assets of the account may be spent without appropriation
26 for the purpose of making payments to individual Washington achieving
27 a better life experience program account holders. Disbursements from
28 the account may be made only on the authorization of the department.

29 (4) With regard to the assets of the account, the state acts in a
30 fiduciary, not ownership, capacity. Therefore, the assets of the
31 account are not considered state money, common cash, or revenue to
32 the state.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330
34 RCW to read as follows:

35 (1) The state investment board created in RCW 43.33A.020 has the
36 full power to invest, reinvest, manage, contract, sell, or exchange
37 investment money in the Washington achieving a better life experience
38 program account. All investment and operating costs associated with

1 the investment of money must be paid pursuant to RCW 43.33A.160,
2 43.84.160, and 43.08.190. With the exception of these expenses, the
3 earnings from the investment of the money must be retained by the
4 account.

5 (2) All investments made by the state investment board must be
6 made with the exercise of that degree of judgment and care pursuant
7 to RCW 43.33A.140 and the investment policy established by the state
8 investment board.

9 (3) As deemed appropriate by the state investment board, money in
10 the account may be commingled for investment with other funds subject
11 to investment by the board.

12 (4) The authority to establish all policies relating to the
13 account, other than the investment policies as set forth in
14 subsections (1) through (3) of this section, resides with the
15 department, and money in the account may be spent only for the
16 purposes of the program as specified in this chapter.

17 (5) The state investment board shall routinely consult and
18 communicate with the governing body on the investment policy,
19 earnings of the account, and related needs of the program.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.330
21 RCW to read as follows:

22 (1) The Washington achieving a better life experience advisory
23 board consisting of seven members is established to help develop,
24 implement, and oversee the Washington achieving a better life
25 experience program. The members of the advisory board must be persons
26 who have demonstrated expertise and leadership in areas such as
27 finance, actuarial science, management, business, or public policy.
28 At least two members must be persons who are either eligible
29 individuals for the Washington achieving a better life program or are
30 relatives of eligible individuals. Six of the advisory board members
31 must be appointed by the governor, and the seventh member of the
32 board, who shall serve as chair of the board, must be appointed by
33 the remaining six members of the board.

34 (2) Members of the board shall each serve a three-year term,
35 subject to renewal for no more than one additional three-year term.
36 The advisory board shall develop rules that provide for the
37 staggering of terms so that, after the first three years of the
38 board's existence, the terms of one-third of the members expire each
39 year. Members of the board must be compensated for their service

1 under RCW 43.03.240, and may be reimbursed for travel and other
2 expenses under RCW 43.03.050 and 43.03.060.

3 (3) The board shall meet periodically as specified by the call of
4 the chair, or a majority of the board.

5 (4) The role of the advisory board under this section is to
6 advise the department and other agencies in development and operation
7 of the program and make recommendations, if appropriate, to the
8 legislature and the governor regarding the development,
9 implementation, and operation of the Washington achieving a better
10 life experience program.

11 **Sec. 7.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are
12 each reenacted and amended to read as follows:

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

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

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

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

32 (b) The following accounts and funds must receive their
33 proportionate share of earnings based upon each account's or fund's
34 average daily balance for the period: The Washington promise
35 scholarship account, the Washington advanced college tuition payment
36 program account, the accessible communities account, the Washington
37 achieving a better life experience program account, the community and
38 technical college innovation account, the agricultural local fund,
39 the American Indian scholarship endowment fund, the foster care

1 scholarship endowment fund, the foster care endowed scholarship trust
2 fund, the contract harvesting revolving account, the Washington state
3 combined fund drive account, the commemorative works account, the
4 county enhanced 911 excise tax account, the toll collection account,
5 the developmental disabilities endowment trust fund, the energy
6 account, the fair fund, the family leave insurance account, the food
7 animal veterinarian conditional scholarship account, the fruit and
8 vegetable inspection account, the future teachers conditional
9 scholarship account, the game farm alternative account, the GET ready
10 for math and science scholarship account, the Washington global
11 health technologies and product development account, the grain
12 inspection revolving fund, the industrial insurance rainy day fund,
13 the juvenile accountability incentive account, the law enforcement
14 officers' and firefighters' plan 2 expense fund, the local tourism
15 promotion account, the multiagency permitting team account, the
16 pilotage account, the produce railcar pool account, the regional
17 transportation investment district account, the rural rehabilitation
18 account, the stadium and exhibition center account, the youth
19 athletic facility account, the self-insurance revolving fund, the
20 children's trust fund, the Washington horse racing commission
21 Washington bred owners' bonus fund and breeder awards account, the
22 Washington horse racing commission class C purse fund account, the
23 individual development account program account, the Washington horse
24 racing commission operating account, the life sciences discovery
25 fund, the Washington state heritage center account, the reduced
26 cigarette ignition propensity account, the center for childhood
27 deafness and hearing loss account, the school for the blind account,
28 the Millersylvania park trust fund, the public employees' and
29 retirees' insurance reserve fund, and the radiation perpetual
30 maintenance fund.

31 (c) The following accounts and funds must receive eighty percent
32 of their proportionate share of earnings based upon each account's or
33 fund's average daily balance for the period: The advanced right-of-
34 way revolving fund, the advanced environmental mitigation revolving
35 account, the federal narcotics asset forfeitures account, the high
36 occupancy vehicle account, the local rail service assistance account,
37 and the miscellaneous transportation programs account.

38 (d) Any state agency that has independent authority over accounts
39 or funds not statutorily required to be held in the custody of the
40 state treasurer that deposits funds into a fund or account in the

1 custody of the state treasurer pursuant to an agreement with the
2 office of the state treasurer shall receive its proportionate share
3 of earnings based upon each account's or fund's average daily balance
4 for the period.

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

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