
SUBSTITUTE SENATE BILL 6190

State of Washington

66th Legislature

2020 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Braun, Keiser, and Kuderer)

READ FIRST TIME 01/28/20.

1 AN ACT Relating to preserving the developmental disabilities
2 community trust; amending RCW 71A.20.170; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes the importance
5 of preserving and protecting the developmental disabilities community
6 trust. To that end, the legislature intends to provide for
7 professional management of the trust to ensure continued growth and
8 appropriate utilization of proceeds and allow flexibility in
9 utilization, so long as trust proceeds are used to support eligible
10 individuals with intellectual and developmental disabilities and
11 their families through home and community-based services and
12 projects.

13 **Sec. 2.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each
14 amended to read as follows:

15 (1) The developmental disabilities community trust account is
16 created in the state treasury. All net proceeds from the use of
17 excess, underutilized, or vacated property identified in the 2002
18 joint legislative audit and review committee capital study or other
19 studies of the (~~division of developmental disabilities~~) department
20 of social and health services regarding residential habilitation

1 centers that would not impact current residential habilitation center
2 operations must be deposited into the account.

3 (2) Proceeds may come from the lease or sale of the land,
4 conservation easements, or sale of timber(~~(, or other activities~~
5 ~~short of sale of the property, except as permitted under section 7 of~~
6 ~~this act)~~). Any lease or sale of the land, conservation easements, or
7 sale of timber must be at fair market value.

8 (3) "Excess property" includes that portion of the property at
9 Rainier school previously under the cognizance and control of
10 Washington State University for use as a dairy/forage research
11 facility.

12 (4) Only investment income from the principal of the proceeds
13 deposited into the trust account may be spent from the account. For
14 purposes of this section, "investment income" includes lease
15 payments, rent payments, payments from sale of property or timber, or
16 other periodic payments deposited into the trust account. Property
17 and trust management services must be paid from the investment
18 portion of the trust for the purpose of maximizing income for the
19 trust. For purposes of this section, "principal" is the actual excess
20 land from which proceeds are assigned to the trust account.

21 (5) Moneys in the account may be spent only after appropriation.
22 Expenditures from the account shall be used exclusively to (~~provide~~
23 ~~family support and/or employment/day services to eligible persons~~
24 ~~with developmental disabilities who can be served by community-based~~
25 ~~developmental disability services. It is the intent of the~~
26 ~~legislature that the account should~~) benefit eligible persons with
27 intellectual and developmental disabilities who need community
28 supports through grants, projects, or other means that increase
29 community capacity and workforce.

30 (6) Trust account proceeds and investment income may not be used
31 to replace, supplant, or reduce existing appropriations.

32 (~~(+6)~~) (7) The state investment board shall invest the trust
33 account funds. The state investment board has the full power to
34 invest, reinvest, manage, contract, sell, or exchange investment
35 money in the account. All investment and operating costs associated
36 with the investment of money shall be paid under RCW 43.33A.160 and
37 43.84.160.

38 (8) All investments made by the state investment board shall be
39 made with the degree of judgment and care required under RCW

1 43.33A.140 and the investment policy established by the state
2 investment board.

3 (9) The state investment board shall routinely consult and
4 communicate with the department of social and health services and the
5 legislature on the investment policy, earnings of the accounts, and
6 related needs of the trust account.

7 (10) The account shall be known as the Dan Thompson memorial
8 developmental disabilities community trust account.

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