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ENGROSSED SUBSTITUTE SENATE BILL 5886

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State of Washington

63rd Legislature

2014 Regular Session

By Senate Transportation (originally sponsored by Senators King and Eide)

READ FIRST TIME 01/30/14.

1 AN ACT Relating to department of transportation surplus property;  
2 amending RCW 47.12.283, 43.17.400, and 47.12.063; reenacting and  
3 amending RCW 43.84.092 and 43.84.092; adding a new section to chapter  
4 47.12 RCW; providing a contingent effective date; and providing a  
5 contingent expiration date.

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

7 **Sec. 1.** RCW 47.12.283 and 2010 c 8 s 10006 are each amended to  
8 read as follows:

9 (1) Whenever the department of transportation determines that any  
10 real property owned by the state of Washington and under the  
11 jurisdiction of the department is no longer required for highway  
12 purposes and that it is in the public interest to do so, the department  
13 may, in its discretion, sell the property under RCW 47.12.063 or under  
14 subsections (2) through (6) of this section.

15 (2) Whenever the department determines to sell real property under  
16 its jurisdiction at public auction, the department shall first give  
17 notice thereof by ~~((publication on the same day of the week for two~~  
18 ~~consecutive weeks, with the first publication at least two weeks prior~~  
19 ~~to the date of the auction, in a legal newspaper of general circulation~~

1 ~~in the area where the property to be sold is located. The notice shall~~  
2 ~~be placed in both the legal notices section and the real estate~~  
3 ~~classified section of the newspaper)) the most appropriate method as~~  
4 ~~determined by the department.~~ The notice shall contain a description  
5 of the property, the time and place of the auction, and the terms of  
6 the sale. The sale may be for cash or by real estate contract.

7 (3) The department shall sell the property at the public auction,  
8 in accordance with the terms set forth in the notice, to the highest  
9 and best bidder providing the bid is equal to or higher than the  
10 appraised fair market value of the property.

11 (4) If no bids are received at the auction or if all bids are  
12 rejected, the department may, in its discretion, enter into  
13 negotiations for the sale of the property or may list the property with  
14 a licensed real estate broker. No property shall be sold by  
15 negotiations or through a broker for less than the property's appraised  
16 fair market value. Any offer to purchase real property pursuant to  
17 this subsection shall be in writing and may be rejected at any time  
18 prior to written acceptance by the department.

19 ~~(5) ((Before the department shall approve any offer for the~~  
20 ~~purchase of real property having an appraised value of more than ten~~  
21 ~~thousand dollars, pursuant to subsection (4) of this section, the~~  
22 ~~department shall first publish a notice of the proposed sale in a local~~  
23 ~~newspaper of general circulation in the area where the property is~~  
24 ~~located. The notice shall include a description of the property, the~~  
25 ~~selling price, the terms of the sale, including the price and interest~~  
26 ~~rate if sold by real estate contract, and the name and address of the~~  
27 ~~department employee or the real estate broker handling the transaction.~~  
28 ~~The notice shall further state that any person may, within ten days~~  
29 ~~after the publication of the notice, deliver to the designated state~~  
30 ~~employee or real estate broker a written offer to purchase the property~~  
31 ~~for not less than ten percent more than the negotiated sale price,~~  
32 ~~subject to the same terms and conditions. A subsequent offer shall not~~  
33 ~~be considered unless it is accompanied by a deposit of twenty percent~~  
34 ~~of the offer in the form of cash, money order, cashiers check, or~~  
35 ~~certified check payable to the Washington state treasurer, to be~~  
36 ~~forfeited to the state (for deposit in the motor vehicle fund) if the~~  
37 ~~offeror fails to complete the sale if the offeror's offer is accepted.~~  
38 ~~If a subsequent offer is received, the first offeror shall be informed~~

1 ~~by registered or certified mail sent to the address stated in his or~~  
2 ~~her offer. The first offeror shall then have ten days, from the date~~  
3 ~~of mailing the notice of the increased offer, in which to file with the~~  
4 ~~designated state employee or real estate broker a higher offer than~~  
5 ~~that of the subsequent offeror. After the expiration of the ten day~~  
6 ~~period, the department shall approve in writing the highest and best~~  
7 ~~offer which the department then has on file.~~

8 ~~(6))~~ All moneys received pursuant to this section, less any real  
9 estate broker's commissions paid pursuant to RCW 47.12.320 or revenues  
10 deposited into the transportation facilities account created in section  
11 3 of this act, ((shall)) must be deposited in the motor vehicle fund.

12 **Sec. 2.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to read  
13 as follows:

14 (1) The definitions in this subsection apply throughout this  
15 section unless the context clearly requires otherwise.

16 (a) "Disposition" means sales, exchanges, or other actions  
17 resulting in a transfer of land ownership.

18 (b) "State agencies" includes:

19 (i) The department of natural resources established in chapter  
20 43.30 RCW;

21 (ii) The department of fish and wildlife established in chapter  
22 43.300 RCW;

23 (iii) The department of transportation established in chapter 47.01  
24 RCW;

25 (iv) The parks and recreation commission established in chapter  
26 79A.05 RCW; and

27 (v) The department of ~~((general administration))~~ enterprise  
28 services established in this chapter.

29 (2) Except as provided in subsection (3) of this section, state  
30 agencies proposing disposition of state-owned land must provide written  
31 notice of the proposed disposition to the legislative authorities of  
32 the counties, cities, and towns in which the land is located at least  
33 sixty days before entering into the disposition agreement.

34 (3) The department of transportation, when proposing the  
35 disposition of state-owned land, must provide written notice of the  
36 proposed disposition to the legislative authorities of the counties,

1 cities, and towns in which the land is located at least thirty days  
2 before entering into the disposition agreement.

3 (4) The requirements of this section are in addition and  
4 supplemental to other requirements of the laws of this state.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.12 RCW  
6 to read as follows:

7 (1) The transportation facilities account is created in the motor  
8 vehicle fund. Except as otherwise provided in subsections (2) and (3)  
9 of this section, all revenues received by the department from the sale  
10 of the following surplus property previously managed by the facilities  
11 division within the department must be deposited into the account: (a)  
12 Safety rest areas, (b) pit sites, (c) capital improvements, (d) waste  
13 sites, (e) quarry sites, and (f) maintenance facility sites. Moneys in  
14 the account may be spent only after appropriation. Revenues and  
15 interest from the account may be used only for surplus property  
16 expenditures and the repair and replacement of department facilities.

17 (2) Proceeds from the sale of surplus property previously managed  
18 by the facilities division must first be used to reimburse the office  
19 of real estate services within the department for costs related to the  
20 sale. Proceeds used for cost recovery purposes under this subsection  
21 may be withheld from being deposited into the account.

22 (3) Proceeds from the sale of surplus property may be withheld from  
23 being deposited into the account if they will be used to fund an active  
24 highway project in the immediate area of where the surplus property is  
25 located.

26 **Sec. 4.** RCW 47.12.063 and 2011 c 376 s 2 are each amended to read  
27 as follows:

28 (1) It is the intent of the legislature to continue the  
29 department's policy giving priority consideration to abutting property  
30 owners in agricultural areas when disposing of property through its  
31 surplus property program under this section.

32 (2) Whenever the department determines that any real property owned  
33 by the state of Washington and under the jurisdiction of the department  
34 is no longer required for transportation purposes and that it is in the  
35 public interest to do so, the department may sell the property (~~or~~  
36 ~~exchange it in full or part consideration for land or improvements or~~

1 ~~for construction of improvements~~) at fair market value to any person  
2 through the solicitation of written bids through public advertising in  
3 the manner prescribed under RCW 47.28.050 or in the manner prescribed  
4 under RCW 47.12.283.

5 (3) The department may forego the processes prescribed by RCW  
6 47.28.050 and 47.12.283 and sell the real property to any of the  
7 following entities or persons at fair market value:

8 (a) Any other state agency;

9 (b) The city or county in which the property is situated;

10 (c) Any other municipal corporation;

11 (d) Regional transit authorities created under chapter 81.112 RCW;

12 (e) The former owner of the property from whom the state acquired  
13 title;

14 (f) In the case of residentially improved property, a tenant of the  
15 department who has resided thereon for not less than six months and who  
16 is not delinquent in paying rent to the state;

17 (g) Any abutting private owner but only after each other abutting  
18 private owner (if any), as shown in the records of the county assessor,  
19 is notified in writing of the proposed sale. If more than one abutting  
20 private owner requests in writing the right to purchase the property  
21 within fifteen days after receiving notice of the proposed sale, the  
22 property shall be sold at public auction in the manner provided in RCW  
23 47.12.283;

24 (h) To any other owner of real property required for transportation  
25 purposes;

26 (i) In the case of property suitable for residential use, any  
27 nonprofit organization dedicated to providing affordable housing to  
28 very low-income, low-income, and moderate-income households as defined  
29 in RCW 43.63A.510 and is eligible to receive assistance through the  
30 Washington housing trust fund created in chapter 43.185 RCW; or

31 (j) A federally recognized Indian tribe within whose reservation  
32 boundary the property is located.

33 (4) When selling real property pursuant to RCW 47.12.283, the  
34 department may withhold or withdraw the property from an auction when  
35 requested by one of the entities or persons listed in subsection (3) of  
36 this section and only after the receipt of a nonrefundable deposit  
37 equal to ten percent of the fair market value of the real property or  
38 five thousand dollars, whichever is less. This subsection does not

1 prohibit the department from exercising its discretion to withhold or  
2 withdraw the real property from an auction if the department determines  
3 that the property is no longer surplus or chooses to sell the property  
4 through one of the other means listed in subsection (2) of this  
5 section. If a transaction under this subsection is not completed  
6 within sixty days, the real property must be put back up for sale.

7 (5) Sales to purchasers may, at the department's option, be for  
8 cash(~~(7)~~) or by real estate contract(~~(7-or-exchange-of-land-or~~  
9 ~~improvements. Transactions involving the construction of improvements~~  
10 ~~must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as~~  
11 ~~applicable, and must comply with all other applicable laws and rules)).~~  
12 The department may not enter into equal value land exchange  
13 transactions.

14 (6) Conveyances made pursuant to this section shall be by deed  
15 executed by the secretary of transportation and shall be duly  
16 acknowledged.

17 (7) Unless otherwise provided, all moneys received pursuant to  
18 (~~the provisions of~~) this section, less any real estate broker  
19 commissions paid pursuant to RCW 47.12.320 (~~shall~~) or revenues  
20 deposited into the transportation facilities account created in section  
21 3 of this act, must be deposited in the motor vehicle fund.

22 **Sec. 5.** RCW 43.84.092 and 2013 2nd sp.s. c 23 s 24 and 2013 2nd  
23 sp.s. c 11 s 15 are each reenacted and amended to read as follows:

24 (1) All earnings of investments of surplus balances in the state  
25 treasury shall be deposited to the treasury income account, which  
26 account is hereby established in the state treasury.

27 (2) The treasury income account shall be utilized to pay or receive  
28 funds associated with federal programs as required by the federal cash  
29 management improvement act of 1990. The treasury income account is  
30 subject in all respects to chapter 43.88 RCW, but no appropriation is  
31 required for refunds or allocations of interest earnings required by  
32 the cash management improvement act. Refunds of interest to the  
33 federal treasury required under the cash management improvement act  
34 fall under RCW 43.88.180 and shall not require appropriation. The  
35 office of financial management shall determine the amounts due to or  
36 from the federal government pursuant to the cash management improvement  
37 act. The office of financial management may direct transfers of funds

1 between accounts as deemed necessary to implement the provisions of the  
2 cash management improvement act, and this subsection. Refunds or  
3 allocations shall occur prior to the distributions of earnings set  
4 forth in subsection (4) of this section.

5 (3) Except for the provisions of RCW 43.84.160, the treasury income  
6 account may be utilized for the payment of purchased banking services  
7 on behalf of treasury funds including, but not limited to, depository,  
8 safekeeping, and disbursement functions for the state treasury and  
9 affected state agencies. The treasury income account is subject in all  
10 respects to chapter 43.88 RCW, but no appropriation is required for  
11 payments to financial institutions. Payments shall occur prior to  
12 distribution of earnings set forth in subsection (4) of this section.

13 (4) Monthly, the state treasurer shall distribute the earnings  
14 credited to the treasury income account. The state treasurer shall  
15 credit the general fund with all the earnings credited to the treasury  
16 income account except:

17 (a) The following accounts and funds shall receive their  
18 proportionate share of earnings based upon each account's and fund's  
19 average daily balance for the period: The aeronautics account, the  
20 aircraft search and rescue account, the Alaskan Way viaduct replacement  
21 project account, the brownfield redevelopment trust fund account, the  
22 budget stabilization account, the capital vessel replacement account,  
23 the capitol building construction account, the Cedar River channel  
24 construction and operation account, the Central Washington University  
25 capital projects account, the charitable, educational, penal and  
26 reformatory institutions account, the cleanup settlement account, the  
27 Columbia river basin water supply development account, the Columbia  
28 river basin taxable bond water supply development account, the Columbia  
29 river basin water supply revenue recovery account, the common school  
30 construction fund, the county arterial preservation account, the county  
31 criminal justice assistance account, the deferred compensation  
32 administrative account, the deferred compensation principal account,  
33 the department of licensing services account, the department of  
34 retirement systems expense account, the developmental disabilities  
35 community trust account, the drinking water assistance account, the  
36 drinking water assistance administrative account, the drinking water  
37 assistance repayment account, the Eastern Washington University capital  
38 projects account, the Interstate 405 express toll lanes operations

1 account, the education construction fund, the education legacy trust  
2 account, the election account, the energy freedom account, the energy  
3 recovery act account, the essential rail assistance account, The  
4 Evergreen State College capital projects account, the federal forest  
5 revolving account, the ferry bond retirement fund, the freight mobility  
6 investment account, the freight mobility multimodal account, the grade  
7 crossing protective fund, the public health services account, the high  
8 capacity transportation account, the state higher education  
9 construction account, the higher education construction account, the  
10 highway bond retirement fund, the highway infrastructure account, the  
11 highway safety fund, the high occupancy toll lanes operations account,  
12 the hospital safety net assessment fund, the industrial insurance  
13 premium refund account, the judges' retirement account, the judicial  
14 retirement administrative account, the judicial retirement principal  
15 account, the local leasehold excise tax account, the local real estate  
16 excise tax account, the local sales and use tax account, the marine  
17 resources stewardship trust account, the medical aid account, the  
18 mobile home park relocation fund, the motor vehicle fund, the  
19 motorcycle safety education account, the multimodal transportation  
20 account, the multiuse roadway safety account, the municipal criminal  
21 justice assistance account, the natural resources deposit account, the  
22 oyster reserve land account, the pension funding stabilization account,  
23 the perpetual surveillance and maintenance account, the public  
24 employees' retirement system plan 1 account, the public employees'  
25 retirement system combined plan 2 and plan 3 account, the public  
26 facilities construction loan revolving account beginning July 1, 2004,  
27 the public health supplemental account, the public works assistance  
28 account, the Puget Sound capital construction account, the Puget Sound  
29 ferry operations account, the real estate appraiser commission account,  
30 the recreational vehicle account, the regional mobility grant program  
31 account, the resource management cost account, the rural arterial trust  
32 account, the rural mobility grant program account, the rural Washington  
33 loan fund, the site closure account, the skilled nursing facility  
34 safety net trust fund, the small city pavement and sidewalk account,  
35 the special category C account, the special wildlife account, the state  
36 employees' insurance account, the state employees' insurance reserve  
37 account, the state investment board expense account, the state  
38 investment board commingled trust fund accounts, the state patrol



1 highway account, the state route number 520 civil penalties account,  
2 the state route number 520 corridor account, the state wildlife  
3 account, the supplemental pension account, the Tacoma Narrows toll  
4 bridge account, the teachers' retirement system plan 1 account, the  
5 teachers' retirement system combined plan 2 and plan 3 account, the  
6 tobacco prevention and control account, the tobacco settlement account,  
7 the toll facility bond retirement account, the transportation 2003  
8 account (nickel account), the transportation equipment fund, the  
9 transportation facilities account, the transportation fund, the  
10 transportation improvement account, the transportation improvement  
11 board bond retirement account, the transportation infrastructure  
12 account, the transportation partnership account, the traumatic brain  
13 injury account, the tuition recovery trust fund, the University of  
14 Washington bond retirement fund, the University of Washington building  
15 account, the volunteer firefighters' and reserve officers' relief and  
16 pension principal fund, the volunteer firefighters' and reserve  
17 officers' administrative fund, the Washington judicial retirement  
18 system account, the Washington law enforcement officers' and  
19 firefighters' system plan 1 retirement account, the Washington law  
20 enforcement officers' and firefighters' system plan 2 retirement  
21 account, the Washington public safety employees' plan 2 retirement  
22 account, the Washington school employees' retirement system combined  
23 plan 2 and 3 account, the Washington state economic development  
24 commission account, the Washington state health insurance pool account,  
25 the Washington state patrol retirement account, the Washington State  
26 University building account, the Washington State University bond  
27 retirement fund, the water pollution control revolving administration  
28 account, the water pollution control revolving fund, the Western  
29 Washington University capital projects account, the Yakima integrated  
30 plan implementation account, the Yakima integrated plan implementation  
31 revenue recovery account, and the Yakima integrated plan implementation  
32 taxable bond account. Earnings derived from investing balances of the  
33 agricultural permanent fund, the normal school permanent fund, the  
34 permanent common school fund, the scientific permanent fund, the state  
35 university permanent fund, and the state reclamation revolving account  
36 shall be allocated to their respective beneficiary accounts.

37 (b) Any state agency that has independent authority over accounts  
38 or funds not statutorily required to be held in the state treasury that

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

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

8 **Sec. 6.** RCW 43.84.092 and 2013 2nd sp.s. c 23 s 25 and 2013 2nd  
9 sp.s. c 11 s 16 are each reenacted and amended to read as follows:

10 (1) All earnings of investments of surplus balances in the state  
11 treasury shall be deposited to the treasury income account, which  
12 account is hereby established in the state treasury.

13 (2) The treasury income account shall be utilized to pay or receive  
14 funds associated with federal programs as required by the federal cash  
15 management improvement act of 1990. The treasury income account is  
16 subject in all respects to chapter 43.88 RCW, but no appropriation is  
17 required for refunds or allocations of interest earnings required by  
18 the cash management improvement act. Refunds of interest to the  
19 federal treasury required under the cash management improvement act  
20 fall under RCW 43.88.180 and shall not require appropriation. The  
21 office of financial management shall determine the amounts due to or  
22 from the federal government pursuant to the cash management improvement  
23 act. The office of financial management may direct transfers of funds  
24 between accounts as deemed necessary to implement the provisions of the  
25 cash management improvement act, and this subsection. Refunds or  
26 allocations shall occur prior to the distributions of earnings set  
27 forth in subsection (4) of this section.

28 (3) Except for the provisions of RCW 43.84.160, the treasury income  
29 account may be utilized for the payment of purchased banking services  
30 on behalf of treasury funds including, but not limited to, depository,  
31 safekeeping, and disbursement functions for the state treasury and  
32 affected state agencies. The treasury income account is subject in all  
33 respects to chapter 43.88 RCW, but no appropriation is required for  
34 payments to financial institutions. Payments shall occur prior to  
35 distribution of earnings set forth in subsection (4) of this section.

36 (4) Monthly, the state treasurer shall distribute the earnings

1 credited to the treasury income account. The state treasurer shall  
2 credit the general fund with all the earnings credited to the treasury  
3 income account except:

4 (a) The following accounts and funds shall receive their  
5 proportionate share of earnings based upon each account's and fund's  
6 average daily balance for the period: The aeronautics account, the  
7 aircraft search and rescue account, the Alaskan Way viaduct replacement  
8 project account, the brownfield redevelopment trust fund account, the  
9 budget stabilization account, the capital vessel replacement account,  
10 the capitol building construction account, the Cedar River channel  
11 construction and operation account, the Central Washington University  
12 capital projects account, the charitable, educational, penal and  
13 reformatory institutions account, the cleanup settlement account, the  
14 Columbia river basin water supply development account, the Columbia  
15 river basin taxable bond water supply development account, the Columbia  
16 river basin water supply revenue recovery account, the Columbia river  
17 crossing project account, the common school construction fund, the  
18 county arterial preservation account, the county criminal justice  
19 assistance account, the deferred compensation administrative account,  
20 the deferred compensation principal account, the department of  
21 licensing services account, the department of retirement systems  
22 expense account, the developmental disabilities community trust  
23 account, the drinking water assistance account, the drinking water  
24 assistance administrative account, the drinking water assistance  
25 repayment account, the Eastern Washington University capital projects  
26 account, the Interstate 405 express toll lanes operations account, the  
27 education construction fund, the education legacy trust account, the  
28 election account, the energy freedom account, the energy recovery act  
29 account, the essential rail assistance account, The Evergreen State  
30 College capital projects account, the federal forest revolving account,  
31 the ferry bond retirement fund, the freight mobility investment  
32 account, the freight mobility multimodal account, the grade crossing  
33 protective fund, the public health services account, the high capacity  
34 transportation account, the state higher education construction  
35 account, the higher education construction account, the highway bond  
36 retirement fund, the highway infrastructure account, the highway safety  
37 fund, the high occupancy toll lanes operations account, the hospital  
38 safety net assessment fund, the industrial insurance premium refund

1 account, the judges' retirement account, the judicial retirement  
2 administrative account, the judicial retirement principal account, the  
3 local leasehold excise tax account, the local real estate excise tax  
4 account, the local sales and use tax account, the marine resources  
5 stewardship trust account, the medical aid account, the mobile home  
6 park relocation fund, the motor vehicle fund, the motorcycle safety  
7 education account, the multimodal transportation account, the multiuse  
8 roadway safety account, the municipal criminal justice assistance  
9 account, the natural resources deposit account, the oyster reserve land  
10 account, the pension funding stabilization account, the perpetual  
11 surveillance and maintenance account, the public employees' retirement  
12 system plan 1 account, the public employees' retirement system combined  
13 plan 2 and plan 3 account, the public facilities construction loan  
14 revolving account beginning July 1, 2004, the public health  
15 supplemental account, the public works assistance account, the Puget  
16 Sound capital construction account, the Puget Sound ferry operations  
17 account, the real estate appraiser commission account, the recreational  
18 vehicle account, the regional mobility grant program account, the  
19 resource management cost account, the rural arterial trust account, the  
20 rural mobility grant program account, the rural Washington loan fund,  
21 the site closure account, the skilled nursing facility safety net trust  
22 fund, the small city pavement and sidewalk account, the special  
23 category C account, the special wildlife account, the state employees'  
24 insurance account, the state employees' insurance reserve account, the  
25 state investment board expense account, the state investment board  
26 commingled trust fund accounts, the state patrol highway account, the  
27 state route number 520 civil penalties account, the state route number  
28 520 corridor account, the state wildlife account, the supplemental  
29 pension account, the Tacoma Narrows toll bridge account, the teachers'  
30 retirement system plan 1 account, the teachers' retirement system  
31 combined plan 2 and plan 3 account, the tobacco prevention and control  
32 account, the tobacco settlement account, the toll facility bond  
33 retirement account, the transportation 2003 account (nickel account),  
34 the transportation equipment fund, the transportation facilities  
35 account, the transportation fund, the transportation improvement  
36 account, the transportation improvement board bond retirement account,  
37 the transportation infrastructure account, the transportation  
38 partnership account, the traumatic brain injury account, the tuition

1 recovery trust fund, the University of Washington bond retirement fund,  
2 the University of Washington building account, the volunteer  
3 firefighters' and reserve officers' relief and pension principal fund,  
4 the volunteer firefighters' and reserve officers' administrative fund,  
5 the Washington judicial retirement system account, the Washington law  
6 enforcement officers' and firefighters' system plan 1 retirement  
7 account, the Washington law enforcement officers' and firefighters'  
8 system plan 2 retirement account, the Washington public safety  
9 employees' plan 2 retirement account, the Washington school employees'  
10 retirement system combined plan 2 and 3 account, the Washington state  
11 economic development commission account, the Washington state health  
12 insurance pool account, the Washington state patrol retirement account,  
13 the Washington State University building account, the Washington State  
14 University bond retirement fund, the water pollution control revolving  
15 administration account, the water pollution control revolving fund, the  
16 Western Washington University capital projects account, the Yakima  
17 integrated plan implementation account, the Yakima integrated plan  
18 implementation revenue recovery account, and the Yakima integrated plan  
19 implementation taxable bond account. Earnings derived from investing  
20 balances of the agricultural permanent fund, the normal school  
21 permanent fund, the permanent common school fund, the scientific  
22 permanent fund, the state university permanent fund, and the state  
23 reclamation revolving account shall be allocated to their respective  
24 beneficiary accounts.

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

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

34 NEW SECTION. **Sec. 7.** Section 5 of this act expires on the date  
35 the requirements set out in section 7, chapter 36, Laws of 2012 are  
36 met.

1        NEW SECTION.   **Sec. 8.**   Section 6 of this act takes effect on the  
2   date the requirements set out in section 7, chapter 36, Laws of 2012  
3   are met.

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