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**SUBSTITUTE SENATE BILL 5252**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fraser, Franklin, Kline and Prentice)

Read first time 03/01/1999.

1 AN ACT Relating to wage claims and collection; amending RCW  
2 49.46.100, 49.48.020, 49.48.040, 49.48.050, 49.48.060, 49.48.070,  
3 49.48.080, 43.84.092, and 43.84.092; adding new sections to chapter  
4 49.48 RCW; creating a new section; prescribing penalties; providing an  
5 effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that over twenty-five  
8 thousand state residents per year file cases and complaints with the  
9 department of labor and industries alleging they have been denied  
10 payment for work they performed. Each month an average of over one  
11 million dollars in back wages is sought by workers. The legislature  
12 further finds that greater enforcement of and compliance with minimum  
13 wage and wage payment laws is essential. The legislature intends that  
14 interest on back wages may be assessed and civil penalties may be  
15 imposed against employers that fail to comply with minimum wage and  
16 wage payment laws. The legislature further intends that any such  
17 penalties be deposited in a dedicated account, and be used by the  
18 department of labor and industries to administer and enforce wage  
19 payment laws.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 49.48 RCW  
2 to read as follows:

3        (1) Every employer shall establish and maintain a regular payday,  
4 when all employees shall be paid the wages due them.

5        (2) The regular payday shall be at least once per month.

6        (3) This section does not prevent the employer from establishing  
7 and maintaining regular paydays at more frequent intervals.

8        (4) This section does not prevent the employer from implementing a  
9 regular payroll system in which wages from up to seven days before the  
10 regular payday may be withheld from the covered pay period and included  
11 in the next pay period.

12        (5) This section does not prevent any employer from entering into  
13 a written agreement, prior to the rendering of any services, and  
14 mutually satisfactory with the employees, as to the payment of wages at  
15 a future date.

16        **Sec. 3.**    RCW 49.46.100 and 1959 c 294 s 10 are each amended to read  
17 as follows:

18        (1) Any employer who hinders or delays the director or ~~((his))~~ the  
19 director's authorized representatives in the performance of ~~((his))~~ the  
20 director's duties in the enforcement of this chapter, or refuses to  
21 admit the director or ~~((his))~~ the director's authorized representatives  
22 to any place of employment, or fails to make, keep, and preserve any  
23 records as required under the provisions of this chapter, or falsifies  
24 any such record, or refuses to make any record accessible to the  
25 director or ~~((his))~~ the director's authorized representatives upon  
26 demand, or refuses to furnish a sworn statement of such record or any  
27 other information required for the proper enforcement of this chapter  
28 to the director or ~~((his))~~ the director's authorized representatives  
29 upon demand ~~((, or pays or agrees to pay wages at a rate less than the~~  
30 ~~rate applicable under this chapter, or otherwise violates any provision~~  
31 ~~of this chapter or of any regulation issued under this chapter))~~ shall  
32 be deemed in violation of this chapter and shall ~~((, upon conviction~~  
33 ~~therefor, be guilty of a gross misdemeanor.~~

34        ~~(2) Any~~) be assessed a civil penalty of not more than one thousand  
35 dollars depending on the size of the business and the gravity of the  
36 violation.

37        (2)(a) An employer who pays or agrees to pay wages at a rate less  
38 than the rate applicable under this chapter or any rule or order

1 adopted under this chapter may be assessed civil penalties of an amount  
2 equal to twenty percent of the wage violation.

3 (b) An employer who willfully or repeatedly pays or agrees to pay  
4 wages at a rate less than the rate applicable under this chapter or a  
5 rule or order adopted under this chapter is in violation of this  
6 chapter, and upon conviction, is guilty of a gross misdemeanor.

7 (c) An employer who fails to pay wages due as required by this  
8 chapter may be assessed civil penalties of:

9 (i) Fifty dollars for each failure to pay each worker; and

10 (ii) For each subsequent violation, or any willful or intentional  
11 violation, one hundred dollars for each failure to pay each worker,  
12 plus twenty-five percent of the amount of wages unlawfully withheld.

13 (d) An employer who does not pay all wages owed within seventy-two  
14 hours of an order issued by the department under RCW 49.48.040(1)(c)  
15 shall, in addition to any other applicable penalty, be assessed a civil  
16 penalty equal to three times the amount of wages due and not paid.

17 (3) Upon a finding by the director that an employer who discharges  
18 or in any other manner discriminates against any employee because such  
19 employee has made any complaint to ((his)) the employer, to the  
20 director, or ((his)) the director's authorized representatives that  
21 ((he has not been paid)) wages have not been paid in accordance with  
22 the provisions of this chapter, or that the employer has violated any  
23 provision of this chapter, or because such employee has caused to be  
24 instituted or is about to cause to be instituted any proceeding under  
25 or related to this chapter, or because such employee has testified or  
26 is about to testify in any such proceeding ((shall be deemed in  
27 violation of this chapter and shall, upon conviction therefor, be  
28 guilty of a gross misdemeanor)), the director may require an employer  
29 who has discharged or discriminated against an employee in violation of  
30 this chapter to reinstate the employee to the same position with back  
31 pay and interest of up to one percent per month.

32 (4) Civil penalties imposed under this chapter shall be paid to the  
33 director for deposit in the wage claim collection account. Civil  
34 penalties may be recovered and other civil remedies authorized by this  
35 chapter may be enforced in a civil action in the name of the department  
36 brought in the superior court of the county where the violation is  
37 alleged to have occurred, or the department may use the procedures for  
38 collection of wages set forth in chapter 49.48 RCW.

1       **Sec. 4.** RCW 49.48.020 and 1971 ex.s. c 55 s 2 are each amended to  
2 read as follows:

3       Any person, firm, or corporation which violates any of the  
4 provisions of (~~RCW 49.48.010 through 49.48.030 and 49.48.060 shall~~  
5 ~~be~~) this chapter is guilty of a misdemeanor.

6       **Sec. 5.** RCW 49.48.040 and 1987 c 172 s 1 are each amended to read  
7 as follows:

8       (1) The department of labor and industries (~~may~~) shall:

9       (a) Upon obtaining information indicating an employer may be  
10 committing a violation under chapter(~~s~~) 39.12, 49.46, (~~and~~) or  
11 49.48 RCW, conduct investigations to ensure compliance with chapters  
12 39.12, 49.46, and 49.48 RCW;

13       (b) Upon completing an investigation, issue a written  
14 determination, including findings of fact, as to the alleged violation  
15 of this chapter or chapter 39.12 or 49.46 RCW:

16       (c) Upon determining that a violation of this chapter or chapter  
17 39.12 or 49.46 RCW has occurred, order the payment of all wages owed  
18 the workers, including interest of up to one percent per month on back  
19 wages owed, and institute actions necessary for the collection of the  
20 sums determined owed; and

21       (~~e~~) (d) Take assignments of wage claims and prosecute actions  
22 for the collection of wages (~~of persons who are financially unable to~~  
23 employ counsel), and interest of up to one percent per month on back  
24 wages owed when in the judgment of the director of the department the  
25 claims are valid and enforceable in the courts, unless the workers  
26 cancel such assignments or prosecute such actions with the assistance  
27 of independent legal counsel or pro se.

28       (2) The director of the department or any authorized representative  
29 may, for the purpose of carrying out (~~RCW 49.48.040 through~~  
30 ~~49.48.080~~) this chapter: (a) Issue subpoenas to compel the attendance  
31 of witnesses or parties and the production of books, papers, or  
32 records; (b) administer oaths and examine witnesses under oath; (c)  
33 take the verification of proof of instruments of writing; and (d) take  
34 depositions and affidavits. If assignments for wage claims are taken,  
35 court costs shall not be payable by the department for prosecuting such  
36 suits.

37       (3) The director shall have a seal inscribed "Department of Labor  
38 and Industries--State of Washington" and all courts shall take judicial

1 notice of such seal. Obedience to subpoenas issued by the director or  
2 authorized representative shall be enforced by the courts in any  
3 county.

4 (4) The director or authorized representative shall have free  
5 access to all places and works of labor. Any employer or any agent or  
6 employee of such employer who refuses the director or authorized  
7 representative admission therein, or who, when requested by the  
8 director or authorized representative, willfully neglects or refuses to  
9 furnish the director or authorized representative any statistics or  
10 information pertaining to ~~((his or her))~~ the lawful duties of the  
11 employee or agent, which statistics or information may be in ~~((his or~~  
12 ~~her))~~ the possession or under the control of the employer or agent,  
13 shall be guilty of a misdemeanor.

14 (5) An action for relief under this section shall be commenced  
15 within three years after the cause of action accrues, unless a longer  
16 period of time applies under law.

17 **Sec. 6.** RCW 49.48.050 and 1935 c 96 s 2 are each amended to read  
18 as follows:

19 Nothing herein contained shall be construed to limit the authority  
20 of the prosecuting attorney of any county to prosecute actions, both  
21 civil and criminal, for ~~((such))~~ violations of ~~((RCW 49.48.040 through~~  
22 ~~49.48.080 as may come to his knowledge))~~ this chapter, or to enforce  
23 the provisions ~~((hereof))~~ of this chapter independently and without  
24 specific direction of the director of labor and industries.

25 **Sec. 7.** RCW 49.48.060 and 1971 ex.s. c 55 s 4 are each amended to  
26 read as follows:

27 (1) If upon investigation by the director, after taking assignments  
28 of any wage claim under RCW 49.48.040, it appears to the director that  
29 the employer is representing to ~~((his))~~ employees that ~~((he))~~ the  
30 employer is able to pay wages for their services and that the employees  
31 are not being paid for their services or if the director determines an  
32 employer has repeatedly violated the provisions of this chapter or  
33 chapter 39.12 or 49.46 RCW, requiring payment of wages, the director  
34 may require the employer to give a bond in such sum as the director  
35 deems reasonable and adequate in the circumstances, with sufficient  
36 surety, conditioned that the employer will for a definite future period

1 not exceeding six months conduct ((his)) business and pay ((his))  
2 employees in accordance with the laws of the state of Washington.

3 (2) If within ten days after demand for such bond the employer  
4 fails to provide the same, the director may commence a suit against the  
5 employer in the superior court of appropriate jurisdiction to compel  
6 ((him)) the employer to furnish such bond or cease doing business until  
7 ((he)) the employer has done so. The employer shall have the burden of  
8 proving the amount thereof to be excessive.

9 (3) If the court finds that there is just cause for requiring such  
10 bond and that the same is reasonable, necessary or appropriate to  
11 secure ((the)) prompt payment of the wages of the employees of such  
12 employer and ((his)) compliance with ((RCW—49.48.010—through  
13 49.48.080)) this chapter, the court shall enjoin such employer from  
14 doing business in this state until the requirement is met, or shall  
15 make other, and may make further, orders appropriate to compel  
16 compliance with the requirement.

17 Upon being informed of a wage claim against an employer or former  
18 employer, the director shall, if such claim appears to be just,  
19 immediately notify the employer or former employer, of such claim by  
20 mail. If the employer or former employer fails to pay the claim or  
21 make satisfactory explanation to the director of ((his)) the failure to  
22 do so, within thirty days thereafter, the employer or former employer  
23 shall be liable to a penalty of ((ten)) twenty percent of that portion  
24 of the claim found to be justly due. The director shall have a cause  
25 of action against the employer or former employer for the recovery of  
26 such penalty, and the same may be included in any subsequent action by  
27 the director on said wage claim, or may be exercised separately after  
28 adjustment of such wage claim without court action.

29 NEW SECTION. Sec. 8. A new section is added to chapter 49.48 RCW  
30 to read as follows:

31 The wage claim collection account is created in the custody of the  
32 state treasurer. All monetary penalties collected under this chapter  
33 shall be deposited into the account. Expenditures from the account may  
34 be used only for the purposes of administering and enforcing this  
35 chapter. Only the director or the director's designee may authorize  
36 expenditures from the account. The account is subject to allotment  
37 procedures under chapter 43.88 RCW, but an appropriation is not  
38 required for expenditures.

1       **Sec. 9.** RCW 49.48.070 and 1935 c 96 s 4 are each amended to read  
2 as follows:

3       It shall be the duty of the director of labor and industries to  
4 inquire diligently for any violations of (~~RCW 49.48.040 through~~  
5 ~~49.48.080~~) this chapter, and to institute the actions for penalties  
6 herein provided, and to enforce generally the provisions of (~~RCW~~  
7 ~~49.48.040 through 49.48.080~~) this chapter.

8       **Sec. 10.** RCW 49.48.080 and 1935 c 96 s 5 are each amended to read  
9 as follows:

10       Nothing in (~~RCW 49.48.040 through 49.48.080~~) this chapter except  
11 RCW 49.48.115 and 49.48.120 shall apply to the payment of wages or  
12 compensation of employees directly employed by any county, incorporated  
13 city or town, or other municipal corporation. Nor shall anything  
14 (~~herein~~) in this chapter except RCW 49.48.115 and 49.48.120 apply to  
15 employees, directly employed by the state, any department, bureau,  
16 office, board, commission or institution hereof.

17       **Sec. 11.** RCW 43.84.092 and 1997 c 218 s 5 are each amended to read  
18 as follows:

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

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

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

9 (4) Monthly, the state treasurer shall distribute the earnings  
10 credited to the treasury income account. The state treasurer shall  
11 credit the general fund with all the earnings credited to the treasury  
12 income account except:

13 (a) The following accounts and funds shall receive their  
14 proportionate share of earnings based upon each account's and fund's  
15 average daily balance for the period: The capitol building  
16 construction account, the Cedar River channel construction and  
17 operation account, the Central Washington University capital projects  
18 account, the charitable, educational, penal and reformatory  
19 institutions account, the common school construction fund, the county  
20 criminal justice assistance account, the county sales and use tax  
21 equalization account, the data processing building construction  
22 account, the deferred compensation administrative account, the deferred  
23 compensation principal account, the department of retirement systems  
24 expense account, the drinking water assistance account, the Eastern  
25 Washington University capital projects account, the education  
26 construction fund, the emergency reserve fund, the federal forest  
27 revolving account, the health services account, the public health  
28 services account, the health system capacity account, the personal  
29 health services account, the highway infrastructure account, the  
30 industrial insurance premium refund account, the judges' retirement  
31 account, the judicial retirement administrative account, the judicial  
32 retirement principal account, the local leasehold excise tax account,  
33 the local real estate excise tax account, the local sales and use tax  
34 account, the medical aid account, the mobile home park relocation fund,  
35 the municipal criminal justice assistance account, the municipal sales  
36 and use tax equalization account, the natural resources deposit  
37 account, the perpetual surveillance and maintenance account, the public  
38 employees' retirement system plan I account, the public employees'  
39 retirement system plan II account, the Puyallup tribal settlement



1 account, the resource management cost account, the site closure  
2 account, the special wildlife account, the state employees' insurance  
3 account, the state employees' insurance reserve account, the state  
4 investment board expense account, the state investment board commingled  
5 trust fund accounts, the supplemental pension account, the teachers'  
6 retirement system plan I account, the teachers' retirement system plan  
7 II account, the transportation infrastructure account, the tuition  
8 recovery trust fund, the University of Washington bond retirement fund,  
9 the University of Washington building account, the volunteer fire  
10 fighters' relief and pension principal account, the volunteer fire  
11 fighters' relief and pension administrative account, the wage claim  
12 collection account, the Washington judicial retirement system account,  
13 the Washington law enforcement officers' and fire fighters' system plan  
14 I retirement account, the Washington law enforcement officers' and fire  
15 fighters' system plan II retirement account, the Washington state  
16 patrol retirement account, the Washington State University building  
17 account, the Washington State University bond retirement fund, the  
18 water pollution control revolving fund, and the Western Washington  
19 University capital projects 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, and the state university permanent fund shall be  
23 allocated to their respective beneficiary accounts. All earnings to be  
24 distributed under this subsection (4)(a) shall first be reduced by the  
25 allocation to the state treasurer's service fund pursuant to RCW  
26 43.08.190.

27 (b) The following accounts and funds shall receive eighty percent  
28 of their proportionate share of earnings based upon each account's or  
29 fund's average daily balance for the period: The aeronautics account,  
30 the aircraft search and rescue account, the central Puget Sound public  
31 transportation account, the city hardship assistance account, the  
32 county arterial preservation account, the department of licensing  
33 services account, the economic development account, the essential rail  
34 assistance account, the essential rail banking account, the ferry bond  
35 retirement fund, the gasohol exemption holding account, the grade  
36 crossing protective fund, the high capacity transportation account, the  
37 highway bond retirement fund, the highway construction stabilization  
38 account, the highway safety account, the marine operating fund, the  
39 motor vehicle fund, the motorcycle safety education account, the

1 pilotage account, the public transportation systems account, the Puget  
2 Sound capital construction account, the Puget Sound ferry operations  
3 account, the recreational vehicle account, the rural arterial trust  
4 account, the safety and education account, the small city account, the  
5 special category C account, the state patrol highway account, the  
6 transfer relief account, the transportation capital facilities account,  
7 the transportation equipment fund, the transportation fund, the  
8 transportation improvement account, the transportation revolving loan  
9 account, and the urban arterial trust account.

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

13 **Sec. 12.** RCW 43.84.092 and 1998 c 341 s 708 are each amended to  
14 read as follows:

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

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

33 (3) Except for the provisions of RCW 43.84.160, the treasury income  
34 account may be utilized for the payment of purchased banking services  
35 on behalf of treasury funds including, but not limited to, depository,  
36 safekeeping, and disbursement functions for the state treasury and  
37 affected state agencies. The treasury income account is subject in all  
38 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to  
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings  
4 credited to the treasury income account. The state treasurer shall  
5 credit the general fund with all the earnings credited to the treasury  
6 income account except:

7 (a) The following accounts and funds shall receive their  
8 proportionate share of earnings based upon each account's and fund's  
9 average daily balance for the period: The capitol building  
10 construction account, the Cedar River channel construction and  
11 operation account, the Central Washington University capital projects  
12 account, the charitable, educational, penal and reformatory  
13 institutions account, the common school construction fund, the county  
14 criminal justice assistance account, the county sales and use tax  
15 equalization account, the data processing building construction  
16 account, the deferred compensation administrative account, the deferred  
17 compensation principal account, the department of retirement systems  
18 expense account, the drinking water assistance account, the Eastern  
19 Washington University capital projects account, the education  
20 construction fund, the emergency reserve fund, the federal forest  
21 revolving account, the health services account, the public health  
22 services account, the health system capacity account, the personal  
23 health services account, the highway infrastructure account, the  
24 industrial insurance premium refund account, the judges' retirement  
25 account, the judicial retirement administrative account, the judicial  
26 retirement principal account, the local leasehold excise tax account,  
27 the local real estate excise tax account, the local sales and use tax  
28 account, the medical aid account, the mobile home park relocation fund,  
29 the municipal criminal justice assistance account, the municipal sales  
30 and use tax equalization account, the natural resources deposit  
31 account, the perpetual surveillance and maintenance account, the public  
32 employees' retirement system plan I account, the public employees'  
33 retirement system plan II account, the Puyallup tribal settlement  
34 account, the resource management cost account, the site closure  
35 account, the special wildlife account, the state employees' insurance  
36 account, the state employees' insurance reserve account, the state  
37 investment board expense account, the state investment board commingled  
38 trust fund accounts, the supplemental pension account, the teachers'  
39 retirement system plan I account, the teachers' retirement system

1 combined plan II and plan III account, the transportation  
2 infrastructure account, the tuition recovery trust fund, the University  
3 of Washington bond retirement fund, the University of Washington  
4 building account, the volunteer fire fighters' relief and pension  
5 principal account, the volunteer fire fighters' relief and pension  
6 administrative account, the wage claim collection account, the  
7 Washington judicial retirement system account, the Washington law  
8 enforcement officers' and fire fighters' system plan I retirement  
9 account, the Washington law enforcement officers' and fire fighters'  
10 system plan II retirement account, the Washington school employees'  
11 retirement system combined plan II and III account, the Washington  
12 state patrol retirement account, the Washington State University  
13 building account, the Washington State University bond retirement fund,  
14 the water pollution control revolving fund, and the Western Washington  
15 University capital projects account. Earnings derived from investing  
16 balances of the agricultural permanent fund, the normal school  
17 permanent fund, the permanent common school fund, the scientific  
18 permanent fund, and the state university permanent fund shall be  
19 allocated to their respective beneficiary accounts. All earnings to be  
20 distributed under this subsection (4)(a) shall first be reduced by the  
21 allocation to the state treasurer's service fund pursuant to RCW  
22 43.08.190.

23 (b) The following accounts and funds shall receive eighty percent  
24 of their proportionate share of earnings based upon each account's or  
25 fund's average daily balance for the period: The aeronautics account,  
26 the aircraft search and rescue account, the central Puget Sound public  
27 transportation account, the city hardship assistance account, the  
28 county arterial preservation account, the department of licensing  
29 services account, the economic development account, the essential rail  
30 assistance account, the essential rail banking account, the ferry bond  
31 retirement fund, the gasohol exemption holding account, the grade  
32 crossing protective fund, the high capacity transportation account, the  
33 highway bond retirement fund, the highway construction stabilization  
34 account, the highway safety account, the marine operating fund, the  
35 motor vehicle fund, the motorcycle safety education account, the  
36 pilotage account, the public transportation systems account, the Puget  
37 Sound capital construction account, the Puget Sound ferry operations  
38 account, the recreational vehicle account, the rural arterial trust  
39 account, the safety and education account, the small city account, the

1 special category C account, the state patrol highway account, the  
2 transfer relief account, the transportation capital facilities account,  
3 the transportation equipment fund, the transportation fund, the  
4 transportation improvement account, the transportation revolving loan  
5 account, and the urban arterial trust account.

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

9 NEW SECTION. **Sec. 13.** Section 11 of this act expires September 1,  
10 2000.

11 NEW SECTION. **Sec. 14.** Section 12 of this act takes effect  
12 September 1, 2000.

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