

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1791**

59th Legislature  
2005 Regular Session

Passed by the House April 22, 2005  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 22, 2005  
Yeas 45 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1791** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1791**

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AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Schual-Berke, Kenney, Hankins, Lovick, Morrell, Wood, Kagi, Simpson, McDonald, Eickmeyer, Appleton, O'Brien, Ormsby, DeBolt, Wallace, Upthegrove, Strow, Moeller, Jarrett, Kessler, Miloscia, Murray, Cody, Conway, McCune, Lantz, P. Sullivan, Tom, Ericks, Haigh, McDermott, Hasegawa and Linville)

READ FIRST TIME 02/25/05.

1            AN ACT Relating to the developmental disabilities community trust  
2 account; amending RCW 43.84.092 and 72.01.140; reenacting and amending  
3 RCW 43.84.092 and 43.84.092; adding a new section to chapter 71A.20  
4 RCW; repealing RCW 28B.30.820 and 72.01.142; providing effective dates;  
5 providing expiration dates; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 71A.20 RCW  
8 to read as follows:

9            (1) The developmental disabilities community trust account is  
10 created in the state treasury. All proceeds from the use of excess  
11 property identified in the 2002 joint legislative audit and review  
12 committee capital study of the division of developmental disabilities  
13 residential habilitation centers at Lakeland Village and Rainier school  
14 that would not impact current residential habilitation center  
15 operations must be deposited into the account. Income may come from  
16 the lease of the land, conservation easements, sale of timber, or other  
17 activities short of sale of the property. "Excess property" includes  
18 that portion of the property at Rainier school previously under the  
19 cognizance and control of Washington State University for use as a

1 dairy/forage research facility. "Proceeds" include the net receipts  
2 from the use of all or a portion of the properties. Only investment  
3 income from the principal of the proceeds deposited into the trust  
4 account may be spent from the account. Moneys in the account may be  
5 spent only after appropriation. Expenditures from the account shall be  
6 used exclusively to provide family support and/or employment/day  
7 services to eligible persons with developmental disabilities who can be  
8 served by community-based developmental disability services. It is the  
9 intent of the legislature that the account should not be used to  
10 replace, supplant, or reduce existing appropriations.

11 (2) The department shall report on its efforts and strategies to  
12 provide income to the developmental disabilities community trust  
13 account from the excess property identified in subsection (1) of this  
14 section from the lease of the property, sale of timber, or other  
15 activity short of sale of the property. The department shall report by  
16 June 30, 2006.

17 (3) The account shall be known as the Dan Thompson memorial  
18 developmental disabilities community trust account.

19 **Sec. 2.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and  
20 2003 c 48 s 2 are each reenacted and amended to read as follows:

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

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

1 allocations shall occur prior to the distributions of earnings set  
2 forth in subsection (4) of this section.

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

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

15 (a) The following accounts and funds shall receive their  
16 proportionate share of earnings based upon each account's and fund's  
17 average daily balance for the period: The capitol building  
18 construction account, the Cedar River channel construction and  
19 operation account, the Central Washington University capital projects  
20 account, the charitable, educational, penal and reformatory  
21 institutions account, the common school construction fund, the county  
22 criminal justice assistance account, the county sales and use tax  
23 equalization account, the data processing building construction  
24 account, the deferred compensation administrative account, the deferred  
25 compensation principal account, the department of retirement systems  
26 expense account, the developmental disabilities community trust  
27 account, the drinking water assistance account, the drinking water  
28 assistance administrative account, the drinking water assistance  
29 repayment account, the Eastern Washington University capital projects  
30 account, the education construction fund, the election account, the  
31 emergency reserve fund, The Evergreen State College capital projects  
32 account, the federal forest revolving account, the health services  
33 account, the public health services account, the health system capacity  
34 account, the personal health services account, the state higher  
35 education construction account, the higher education construction  
36 account, the highway infrastructure account, the industrial insurance  
37 premium refund account, the judges' retirement account, the judicial  
38 retirement administrative account, the judicial retirement principal

1 account, the local leasehold excise tax account, the local real estate  
2 excise tax account, the local sales and use tax account, the medical  
3 aid account, the mobile home park relocation fund, the multimodal  
4 transportation account, the municipal criminal justice assistance  
5 account, the municipal sales and use tax equalization account, the  
6 natural resources deposit account, the oyster reserve land account, the  
7 perpetual surveillance and maintenance account, the public employees'  
8 retirement system plan 1 account, the public employees' retirement  
9 system combined plan 2 and plan 3 account, the public facilities  
10 construction loan revolving account beginning July 1, 2004, the public  
11 health supplemental account, the Puyallup tribal settlement account,  
12 the regional transportation investment district account, the resource  
13 management cost account, the site closure account, the special wildlife  
14 account, the state employees' insurance account, the state employees'  
15 insurance reserve account, the state investment board expense account,  
16 the state investment board commingled trust fund accounts, the  
17 supplemental pension account, the Tacoma Narrows toll bridge account,  
18 the teachers' retirement system plan 1 account, the teachers'  
19 retirement system combined plan 2 and plan 3 account, the tobacco  
20 prevention and control account, the tobacco settlement account, the  
21 transportation infrastructure account, the tuition recovery trust fund,  
22 the University of Washington bond retirement fund, the University of  
23 Washington building account, the volunteer fire fighters' and reserve  
24 officers' relief and pension principal fund, the volunteer fire  
25 fighters' and reserve officers' administrative fund, the Washington  
26 fruit express account, the Washington judicial retirement system  
27 account, the Washington law enforcement officers' and fire fighters'  
28 system plan 1 retirement account, the Washington law enforcement  
29 officers' and fire fighters' system plan 2 retirement account, the  
30 Washington school employees' retirement system combined plan 2 and 3  
31 account, the Washington state health insurance pool account, the  
32 Washington state patrol retirement account, the Washington State  
33 University building account, the Washington State University bond  
34 retirement fund, the water pollution control revolving fund, and the  
35 Western Washington University capital projects account. Earnings  
36 derived from investing balances of the agricultural permanent fund, the  
37 normal school permanent fund, the permanent common school fund, the  
38 scientific permanent fund, and the state university permanent fund

1 shall be allocated to their respective beneficiary accounts. All  
2 earnings to be distributed under this subsection (4)(a) shall first be  
3 reduced by the allocation to the state treasurer's service fund  
4 pursuant to RCW 43.08.190.

5 (b) The following accounts and funds shall receive eighty percent  
6 of their proportionate share of earnings based upon each account's or  
7 fund's average daily balance for the period: The aeronautics account,  
8 the aircraft search and rescue account, the county arterial  
9 preservation account, the department of licensing services account, the  
10 essential rail assistance account, the ferry bond retirement fund, the  
11 grade crossing protective fund, the high capacity transportation  
12 account, the highway bond retirement fund, the highway safety account,  
13 the motor vehicle fund, the motorcycle safety education account, the  
14 pilotage account, the public transportation systems account, the Puget  
15 Sound capital construction account, the Puget Sound ferry operations  
16 account, the recreational vehicle account, the rural arterial trust  
17 account, the safety and education account, the special category C  
18 account, the state patrol highway account, the transportation 2003  
19 account (nickel account), the transportation equipment fund, the  
20 transportation fund, the transportation improvement account, the  
21 transportation improvement board bond retirement account, and the urban  
22 arterial trust account.

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

26 **Sec. 3.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003  
27 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as  
28 follows:

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

32 (2) The treasury income account shall be utilized to pay or receive  
33 funds associated with federal programs as required by the federal cash  
34 management improvement act of 1990. The treasury income account is  
35 subject in all respects to chapter 43.88 RCW, but no appropriation is  
36 required for refunds or allocations of interest earnings required by  
37 the cash management improvement act. Refunds of interest to the

1 federal treasury required under the cash management improvement act  
2 fall under RCW 43.88.180 and shall not require appropriation. The  
3 office of financial management shall determine the amounts due to or  
4 from the federal government pursuant to the cash management improvement  
5 act. The office of financial management may direct transfers of funds  
6 between accounts as deemed necessary to implement the provisions of the  
7 cash management improvement act, and this subsection. Refunds or  
8 allocations shall occur prior to the distributions of earnings set  
9 forth in subsection (4) of this section.

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

18 (4) Monthly, the state treasurer shall distribute the earnings  
19 credited to the treasury income account. The state treasurer shall  
20 credit the general fund with all the earnings credited to the treasury  
21 income account except:

22 (a) The following accounts and funds shall receive their  
23 proportionate share of earnings based upon each account's and fund's  
24 average daily balance for the period: The capitol building  
25 construction account, the Cedar River channel construction and  
26 operation account, the Central Washington University capital projects  
27 account, the charitable, educational, penal and reformatory  
28 institutions account, the common school construction fund, the county  
29 criminal justice assistance account, the county sales and use tax  
30 equalization account, the data processing building construction  
31 account, the deferred compensation administrative account, the deferred  
32 compensation principal account, the department of retirement systems  
33 expense account, the developmental disabilities community trust  
34 account, the drinking water assistance account, the drinking water  
35 assistance administrative account, the drinking water assistance  
36 repayment account, the Eastern Washington University capital projects  
37 account, the education construction fund, the election account, the  
38 emergency reserve fund, The Evergreen State College capital projects

1 account, the federal forest revolving account, the health services  
2 account, the public health services account, the health system capacity  
3 account, the personal health services account, the state higher  
4 education construction account, the higher education construction  
5 account, the highway infrastructure account, the industrial insurance  
6 premium refund account, the judges' retirement account, the judicial  
7 retirement administrative account, the judicial retirement principal  
8 account, the local leasehold excise tax account, the local real estate  
9 excise tax account, the local sales and use tax account, the medical  
10 aid account, the mobile home park relocation fund, the multimodal  
11 transportation account, the municipal criminal justice assistance  
12 account, the municipal sales and use tax equalization account, the  
13 natural resources deposit account, the oyster reserve land account, the  
14 perpetual surveillance and maintenance account, the public employees'  
15 retirement system plan 1 account, the public employees' retirement  
16 system combined plan 2 and plan 3 account, the public facilities  
17 construction loan revolving account beginning July 1, 2004, the public  
18 health supplemental account, the public works assistance account, the  
19 Puyallup tribal settlement account, the regional transportation  
20 investment district account, the resource management cost account, the  
21 site closure account, the special wildlife account, the state  
22 employees' insurance account, the state employees' insurance reserve  
23 account, the state investment board expense account, the state  
24 investment board commingled trust fund accounts, the supplemental  
25 pension account, the Tacoma Narrows toll bridge account, the teachers'  
26 retirement system plan 1 account, the teachers' retirement system  
27 combined plan 2 and plan 3 account, the tobacco prevention and control  
28 account, the tobacco settlement account, the transportation  
29 infrastructure account, the tuition recovery trust fund, the University  
30 of Washington bond retirement fund, the University of Washington  
31 building account, the volunteer fire fighters' and reserve officers'  
32 relief and pension principal fund, the volunteer fire fighters' and  
33 reserve officers' administrative fund, the Washington fruit express  
34 account, the Washington judicial retirement system account, the  
35 Washington law enforcement officers' and fire fighters' system plan 1  
36 retirement account, the Washington law enforcement officers' and fire  
37 fighters' system plan 2 retirement account, the Washington school  
38 employees' retirement system combined plan 2 and 3 account, the



1 Washington state health insurance pool account, the Washington state  
2 patrol retirement account, the Washington State University building  
3 account, the Washington State University bond retirement fund, the  
4 water pollution control revolving fund, and the Western Washington  
5 University capital projects account. Earnings derived from investing  
6 balances of the agricultural permanent fund, the normal school  
7 permanent fund, the permanent common school fund, the scientific  
8 permanent fund, and the state university permanent fund shall be  
9 allocated to their respective beneficiary accounts. All earnings to be  
10 distributed under this subsection (4)(a) shall first be reduced by the  
11 allocation to the state treasurer's service fund pursuant to RCW  
12 43.08.190.

13 (b) The following accounts and funds shall receive eighty percent  
14 of their proportionate share of earnings based upon each account's or  
15 fund's average daily balance for the period: The aeronautics account,  
16 the aircraft search and rescue account, the county arterial  
17 preservation account, the department of licensing services account, the  
18 essential rail assistance account, the ferry bond retirement fund, the  
19 grade crossing protective fund, the high capacity transportation  
20 account, the highway bond retirement fund, the highway safety account,  
21 the motor vehicle fund, the motorcycle safety education account, the  
22 pilotage account, the public transportation systems account, the Puget  
23 Sound capital construction account, the Puget Sound ferry operations  
24 account, the recreational vehicle account, the rural arterial trust  
25 account, the safety and education account, the special category C  
26 account, the state patrol highway account, the transportation 2003  
27 account (nickel account), the transportation equipment fund, the  
28 transportation fund, the transportation improvement account, the  
29 transportation improvement board bond retirement account, and the urban  
30 arterial trust account.

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 **Sec. 4.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to read  
35 as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which  
2 account is hereby established in the state treasury.

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

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

26 (4) Monthly, the state treasurer shall distribute the earnings  
27 credited to the treasury income account. The state treasurer shall  
28 credit the general fund with all the earnings credited to the treasury  
29 income account except:

30 (a) The following accounts and funds shall receive their  
31 proportionate share of earnings based upon each account's and fund's  
32 average daily balance for the period: The capitol building  
33 construction account, the Cedar River channel construction and  
34 operation account, the Central Washington University capital projects  
35 account, the charitable, educational, penal and reformatory  
36 institutions account, the common school construction fund, the county  
37 criminal justice assistance account, the county sales and use tax  
38 equalization account, the data processing building construction

1 account, the deferred compensation administrative account, the deferred  
2 compensation principal account, the department of retirement systems  
3 expense account, the developmental disabilities community trust  
4 account, the drinking water assistance account, the drinking water  
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8 emergency reserve fund, The Evergreen State College capital projects  
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12 education construction account, the higher education construction  
13 account, the highway infrastructure account, the industrial insurance  
14 premium refund account, the judges' retirement account, the judicial  
15 retirement administrative account, the judicial retirement principal  
16 account, the local leasehold excise tax account, the local real estate  
17 excise tax account, the local sales and use tax account, the medical  
18 aid account, the mobile home park relocation fund, the multimodal  
19 transportation account, the municipal criminal justice assistance  
20 account, the municipal sales and use tax equalization account, the  
21 natural resources deposit account, the oyster reserve land account, the  
22 perpetual surveillance and maintenance account, the public employees'  
23 retirement system plan 1 account, the public employees' retirement  
24 system combined plan 2 and plan 3 account, the public facilities  
25 construction loan revolving account beginning July 1, 2004, the public  
26 health supplemental account, the public works assistance account, the  
27 Puyallup tribal settlement account, the regional transportation  
28 investment district account, the resource management cost account, the  
29 site closure account, the special wildlife account, the state  
30 employees' insurance account, the state employees' insurance reserve  
31 account, the state investment board expense account, the state  
32 investment board commingled trust fund accounts, the supplemental  
33 pension account, the Tacoma Narrows toll bridge account, the teachers'  
34 retirement system plan 1 account, the teachers' retirement system  
35 combined plan 2 and plan 3 account, the tobacco prevention and control  
36 account, the tobacco settlement account, the transportation  
37 infrastructure account, the tuition recovery trust fund, the University  
38 of Washington bond retirement fund, the University of Washington

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

22 (b) The following accounts and funds shall receive eighty percent  
23 of their proportionate share of earnings based upon each account's or  
24 fund's average daily balance for the period: The aeronautics account,  
25 the aircraft search and rescue account, the county arterial  
26 preservation account, the department of licensing services account, the  
27 essential rail assistance account, the ferry bond retirement fund, the  
28 grade crossing protective fund, the high capacity transportation  
29 account, the highway bond retirement fund, the highway safety account,  
30 the motor vehicle fund, the motorcycle safety education account, the  
31 pilotage account, the public transportation systems account, the Puget  
32 Sound capital construction account, the Puget Sound ferry operations  
33 account, the recreational vehicle account, the rural arterial trust  
34 account, the safety and education account, the special category C  
35 account, the state patrol highway account, the transportation 2003  
36 account (nickel account), the transportation equipment fund, the  
37 transportation fund, the transportation improvement account, the

1 transportation improvement board bond retirement account, and the urban  
2 arterial trust account.

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

6 **Sec. 5.** RCW 72.01.140 and 1981 c 238 s 1 are each amended to read  
7 as follows:

8 The secretary shall:

9 (1) Make a survey, investigation, and classification of the lands  
10 connected with the state institutions under his control, and determine  
11 which thereof are of such character as to be most profitably used for  
12 agricultural, horticultural, dairying, and stock raising purposes,  
13 taking into consideration the costs of making them ready for  
14 cultivation, the character of the soil, its depth and fertility, the  
15 number of kinds of crops to which it is adapted, the local climatic  
16 conditions, the local annual rainfall, the water supply upon the land  
17 or available, the needs of all state institutions for the food products  
18 that can be grown or produced, and the amount and character of the  
19 available labor of inmates at the several institutions;

20 (2) Establish and carry on suitable farming operations at the  
21 several institutions under his control;

22 (3) Supply the several institutions with the necessary food  
23 products produced thereat;

24 (4) Exchange with, or furnish to, other institutions, food products  
25 at the cost of production;

26 (5) Sell and dispose of surplus food products produced.

27 (~~This section shall not apply to the Rainier school for which  
28 cognizance of farming operations has been transferred to Washington  
29 State University by RCW 72.01.142.~~)

30 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each  
31 repealed:

32 (1) RCW 28B.30.820 (Dairy/forage and agricultural research  
33 facility--Transfer of property and facilities for) and 1981 c 238 s 3;  
34 and

35 (2) RCW 72.01.142 (Transfer of dairy operation from Rainier school)  
36 and 1981 c 238 s 2.

1        NEW SECTION.   **Sec. 7.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   immediately, except for section 3 of this act which takes effect July  
5   1, 2005, and section 4 of this act which takes effect July 1, 2006.

6        NEW SECTION.   **Sec. 8.**   (1) Section 2 of this act expires July 1,  
7   2005.

8        (2) Section 3 of this act expires July 1, 2006.

--- END ---