
SUBSTITUTE HOUSE BILL 2983

State of Washington **65th Legislature** **2018 Regular Session**

By House Transportation (originally sponsored by Representative
Clibborn)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to the establishment of a new marine pilotage
2 tariff setting process; amending RCW 53.08.390, 88.16.035, 88.16.070,
3 88.16.120, and 88.16.130; reenacting and amending RCW 43.84.092;
4 adding a new section to chapter 88.16 RCW; adding a new chapter to
5 Title 81 RCW; creating a new section; and providing an effective
6 date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.16
9 RCW to read as follows:

10 (1) The utilities and transportation commission shall under
11 sections 7 through 12 of this act periodically, but not more
12 frequently than annually, establish the pilotage tariffs for pilotage
13 services provided under this chapter: PROVIDED, That the utilities
14 and transportation commission may establish extra compensation for
15 extra services to vessels in distress, for awaiting vessels, for all
16 vessels in direct transit to or from a Canadian port where Puget
17 Sound pilotage is required for a portion of the voyage, or for being
18 carried to sea on vessels against the will of the pilot, and for such
19 other services as may be determined by the commission: PROVIDED
20 FURTHER, That as an element of the Puget Sound pilotage district
21 tariff, the utilities and transportation commission may consider

1 pilot retirement expenses incurred in the prior year in either
2 pilotage district. However, under no circumstances shall the state be
3 obligated to fund or pay for any portion of retirement payments for
4 pilots or retired pilots.

5 (2) By December 1, 2018, the utilities and transportation
6 commission shall submit to the transportation committees of the
7 legislature any additional statutory changes necessary to implement
8 this act.

9 (3) By July 1, 2020, the utilities and transportation commission
10 shall provide a report to the governor and the transportation
11 committees of the legislature regarding matters pertaining to
12 establishing tariffs under this section that includes a comparison of
13 the process and outcomes in relation to the recommendations made in
14 the January 2018 joint transportation committee Washington state
15 pilotage final report and recommendations.

16 **Sec. 2.** RCW 53.08.390 and 2010 c 8 s 16003 are each amended to
17 read as follows:

18 A countywide port district located in part or in whole within the
19 Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may
20 commence pilotage service with the following powers and subject to
21 the conditions contained in this section.

22 (1) Persons employed to perform the pilotage service of a port
23 district must be licensed under chapter 88.16 RCW to provide
24 pilotage.

25 (2) Before establishing pilotage service, a port district shall
26 give at least sixty days' written notice to the chair of the board of
27 pilotage commissioners to provide pilotage.

28 (3) A port district providing pilotage service under this section
29 requiring additional pilots may petition the board of pilotage
30 commissioners to qualify and license as a pilot a person who has
31 passed the examination and is on the waiting list for the training
32 program for the district. If there are no persons on the waiting
33 list, the board shall solicit applicants and offer the examination.

34 (4) In addition to the power to employ or contract with pilots, a
35 port district providing pilotage services under this section has such
36 other powers as are reasonably necessary to accomplish the purpose of
37 this section including, but not limited to, providing through
38 ownership or contract pilots launches, dispatcher services, or
39 ancillary tug services required for operations or safety.

1 (5)(a) A port district providing pilotage services under this
2 section (~~may recommend to the board of pilotage commissioners~~)
3 shall periodically establish pilotage tariffs for pilotage services
4 provided under this chapter. The rules of service, rates, and tariffs
5 (governing its pilotage services for consideration and adoption
6 pursuant to RCW 88.16.035. The rules, rates, and tariffs
7 recommended) to be adopted by the port district must have been
8 approved in open meetings of the port district (~~ten~~) thirty or more
9 days after published notice in a newspaper of general circulation and
10 (~~after mailing a copy of the notice to the chair of the board of~~
11 ~~pilotage commissioners~~) following a public hearing. The port
12 district shall release its pilotage budget, including the five year
13 capital spending plan, prior year pilotage financial statement, and
14 the proposed pilotage tariff, no later than thirty days prior to a
15 public hearing. The port district shall receive public comments for
16 thirty days before the port district commission may adopt and approve
17 the pilotage tariff. The port district must file the pilotage tariff
18 with the utilities and transportation commission and the board of
19 pilotage commissioners no later than thirty days following the
20 approval of the pilotage tariff by the port district commission.

21 (b) The port district must include a pension charge in its tariff
22 until such time as the pilot retirement agreement expenses for Grays
23 Harbor pilotage district pilots employed prior to October 1, 2001,
24 are no longer owed. The port district shall determine the pension
25 charge owed as pilot retirement agreement expenses. The pension
26 charge must be sufficient to cover costs associated with the pilot
27 retirement agreement expenses for Grays Harbor pilots employed prior
28 to October 1, 2001. The revenue collected from the pension charge
29 must be deposited into an account maintained by the port district
30 solely for the pilot retirement agreement expenses of the Grays
31 Harbor pilots employed prior to October 1, 2001. Under no
32 circumstances shall the port district be obligated to fund or pay for
33 any portion of the retirement agreement expenses for Grays Harbor
34 pilots employed prior to October 1, 2001.

35 (6) A pilot providing pilotage services under this section must
36 comply with all requirements of the pilotage act, chapter 88.16 RCW,
37 and all rules adopted thereunder.

38 **Sec. 3.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to
39 read as follows:

1 (1) The board of pilotage commissioners shall:

2 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
3 enforcement and administration of this chapter;

4 (b)(i) Issue training licenses and pilot licenses to pilot
5 applicants meeting the qualifications provided for in RCW 88.16.090
6 and such additional qualifications as may be determined by the board;

7 (ii) Establish a comprehensive training program to assist in the
8 training and evaluation of pilot applicants before final licensing;
9 and

10 (iii) Establish additional training requirements, including a
11 program of continuing education developed after consultation with
12 pilot organizations, including those located within the state of
13 Washington, as required to maintain a competent pilotage service;

14 (c) Maintain a register of pilots, records of pilot accidents,
15 and other history pertinent to pilotage;

16 (d) Determine from time to time the number of pilots necessary to
17 be licensed in each district of the state to optimize the operation
18 of a safe, fully regulated, efficient, and competent pilotage service
19 in each district;

20 (e) (~~Annually fix the pilotage tariffs for pilotage services~~
21 ~~provided under this chapter: PROVIDED, That the board may fix extra~~
22 ~~compensation for extra services to vessels in distress, for awaiting~~
23 ~~vessels, for all vessels in direct transit to or from a Canadian port~~
24 ~~where Puget Sound pilotage is required for a portion of the voyage,~~
25 ~~or for being carried to sea on vessels against the will of the pilot,~~
26 ~~and for such other services as may be determined by the board:~~
27 ~~PROVIDED FURTHER, That as an element of the Puget Sound pilotage~~
28 ~~district tariff, the board may consider pilot retirement plan~~
29 ~~expenses incurred in the prior year in either pilotage district.~~
30 ~~However, under no circumstances shall the state be obligated to fund~~
31 ~~or pay for any portion of retirement payments for pilots or retired~~
32 ~~pilots)) Provide assistance to the utilities and transportation
33 commission, as requested by the utilities and transportation
34 commission, in its performance of pilotage tariff setting functions
35 under sections 7 through 12 of this act;~~

36 (f) File annually with the governor and the chairs of the
37 transportation committees of the senate and house of representatives
38 a report which includes, but is not limited to, the following: The
39 number, names, ages, pilot license number, training license number,
40 and years of service as a Washington licensed pilot of any person

1 licensed by the board as a Washington state pilot or trainee; the
2 names, employment, and other information of the members of the board;
3 the total number of pilotage assignments by pilotage district,
4 including information concerning the various types and sizes of
5 vessels and the total annual tonnage; the annual earnings or stipends
6 of individual pilots and trainees before and after deduction for
7 expenses of pilot organizations, including extra compensation as a
8 separate category; the annual expenses of private pilot associations,
9 including personnel employed and capital expenditures; the status of
10 pilotage tariffs, extra compensation, and travel; the retirement
11 contributions paid to pilots and the disposition thereof; the number
12 of groundings, marine occurrences, or other incidents which are
13 reported to or investigated by the board, and which are determined to
14 be accidents, as defined by the board, including the vessel name,
15 location of incident, pilot's or trainee's name, and disposition of
16 the case together with information received before the board acted
17 from all persons concerned, including the United States coast guard;
18 the names, qualifications, time scheduled for examinations, and the
19 district of persons desiring to apply for Washington state pilotage
20 licenses; summaries of dispatch records, quarterly reports from
21 pilots, and the bylaws and operating rules of pilotage organizations;
22 the names, sizes in deadweight tons, surcharges, if any, port of
23 call, name of the pilot or trainee, and names and horsepower of tug
24 boats for any and all oil tankers subject to the provisions of RCW
25 88.16.190 together with the names of any and all vessels for which
26 the United States coast guard requires special handling pursuant to
27 their authority under the Ports and Waterways Safety Act of 1972; the
28 expenses of the board; and any and all other information which the
29 board deems appropriate to include;

30 (g) Make available information that includes the pilotage act and
31 other statutes of Washington state and the federal government that
32 affect pilotage, including the rules of the board, together with such
33 additional information as may be informative for pilots, agents,
34 owners, operators, and masters;

35 (h) Appoint advisory committees and employ marine experts as
36 necessary to carry out its duties under this chapter;

37 (i) Provide for the maintenance of efficient and competent
38 pilotage service on all waters covered by this chapter; and do such
39 other things as are reasonable, necessary, and expedient to insure

1 proper and safe pilotage upon the waters covered by this chapter and
2 facilitate the efficient administration of this chapter.

3 (2) The board may pay stipends to pilot trainees under subsection
4 (1)(b) of this section.

5 **Sec. 4.** RCW 88.16.070 and 2017 c 88 s 1 are each amended to read
6 as follows:

7 Every vessel not exempt under this section that operates in the
8 waters of the Puget Sound pilotage district or Grays Harbor pilotage
9 district is subject to compulsory pilotage under this chapter.

10 (1) A United States vessel on a voyage in which it is operating
11 exclusively on its coastwise endorsement, its fishery endorsement
12 (including catching and processing its own catch outside United
13 States waters and economic zone for delivery in the United States),
14 and/or its recreational (or pleasure) endorsement, and all United
15 States and Canadian vessels engaged exclusively in the coasting trade
16 on the west coast of the continental United States (including Alaska)
17 and/or British Columbia shall be exempt from the provisions of this
18 chapter unless a pilot licensed under this chapter be actually
19 employed, in which case the pilotage rates provided for in this
20 chapter or established under sections 7 through 12 of this act shall
21 apply.

22 (2) The board may, upon the written petition of any interested
23 party, and upon notice and opportunity for hearing, grant an
24 exemption from the provisions of this chapter to any vessel that the
25 board finds is (a) a small passenger vessel that is not more than one
26 thousand three hundred gross tons (international), does not exceed
27 two hundred feet in overall length, is manned by United States-
28 licensed deck and engine officers appropriate to the size of the
29 vessel with merchant mariner credentials issued by the United States
30 coast guard or Canadian deck and engine officers with Canadian-issued
31 certificates of competency appropriate to the size of the vessel, and
32 is operated exclusively in the waters of the Puget Sound pilotage
33 district and lower British Columbia, or (b) a yacht that is not more
34 than one thousand three hundred gross tons (international) and does
35 not exceed two hundred feet in overall length. Such an exemption
36 shall not be detrimental to the public interest in regard to safe
37 operation preventing loss of human lives, loss of property, and
38 protecting the marine environment of the state of Washington. Such
39 petition shall set out the general description of the vessel, the

1 contemplated use of same, the proposed area of operation, and the
2 name and address of the vessel's owner. The board shall annually, or
3 at any other time when in the public interest, review any exemptions
4 granted to this specified class of small vessels to insure that each
5 exempted vessel remains in compliance with the original exemption.
6 The board shall have the authority to revoke such exemption where
7 there is not continued compliance with the requirements for
8 exemption. The board shall maintain a file which shall include all
9 petitions for exemption, a roster of vessels granted exemption, and
10 the board's written decisions which shall set forth the findings for
11 grants of exemption. Each applicant for exemption or annual renewal
12 shall pay a fee, payable to the pilotage account. Fees for initial
13 applications and for renewals shall be established by rule, and shall
14 not exceed one thousand five hundred dollars. The board shall report
15 annually to the legislature on such exemptions.

16 (3) Every vessel not exempt under subsection (1) or (2) of this
17 section shall, while navigating the Puget Sound and Grays Harbor
18 pilotage districts, employ a pilot licensed under the provisions of
19 this chapter and shall be liable for and pay pilotage rates in
20 accordance with the pilotage rates herein established or which may
21 hereafter be established under the provisions of this chapter or
22 under sections 7 through 12 of this act: PROVIDED, That any vessel
23 inbound to or outbound from Canadian ports is exempt from the
24 provisions of this section, if said vessel actually employs a pilot
25 licensed by the Pacific pilotage authority (the pilot licensing
26 authority for the western district of Canada), and if it is
27 communicating with the vessel traffic system and has appropriate
28 navigational charts, and if said vessel uses only those waters east
29 of the international boundary line which are west of a line which
30 begins at the southwestern edge of Point Roberts then to Alden Point
31 (Patos Island), then to Skipjack Island light, then to Turn Point
32 (Stuart Island), then to Kelleet Bluff (Henry Island), then to Lime
33 Kiln (San Juan Island) then to the intersection of one hundred
34 twenty-three degrees seven minutes west longitude and forty-eight
35 degrees twenty-five minutes north latitude then to the international
36 boundary. The board shall correspond with the Pacific pilotage
37 authority from time to time to ensure the provisions of this section
38 are enforced. If any exempted vessel does not comply with these
39 provisions it shall be deemed to be in violation of this section and
40 subject to the penalties provided in RCW 88.16.150 as now or

1 hereafter amended and liable to pilotage fees as determined by the
2 board. The board shall investigate any accident on the waters covered
3 by this chapter involving a Canadian pilot and shall include the
4 results in its annual report.

5 **Sec. 5.** RCW 88.16.120 and 1987 c 485 s 4 are each amended to
6 read as follows:

7 No pilot shall charge, collect or receive and no person, firm,
8 corporation or association shall pay for pilotage or other services
9 performed hereunder any greater, less or different amount, directly
10 or indirectly, than the rates or charges herein established or
11 ~~((which may be hereafter fixed))~~ subsequently established by the
12 utilities and transportation commission under sections 7 through 12
13 of this act and by the board ~~((pursuant to))~~ under this chapter. Any
14 pilot, person, firm, corporation or association violating the
15 provisions of this section shall be guilty of a misdemeanor and shall
16 be punished pursuant to RCW 88.16.150 as now or hereafter amended,
17 said prosecution to be conducted by the attorney general or the
18 prosecuting attorney of any county wherein the offense or any part
19 thereof was committed.

20 **Sec. 6.** RCW 88.16.130 and 2013 c 23 s 533 are each amended to
21 read as follows:

22 Any person not holding a license as pilot under the provisions of
23 this chapter who pilots any vessel subject to the provisions of this
24 chapter on waters covered by this chapter shall pay to the board the
25 pilotage rates ~~((payable under the provisions of this chapter))~~
26 established by the utilities and transportation commission under
27 sections 7 through 12 of this act. Any master or owner of a vessel
28 required to employ a pilot licensed under the provisions of this
29 chapter who refuses to do so when such a pilot is available shall be
30 punished pursuant to RCW 88.16.150 as now or hereafter amended and
31 shall be imprisoned in the county jail of the county wherein he or
32 she is so convicted until said fine and the costs of his or her
33 prosecution are paid.

34 NEW SECTION. **Sec. 7.** The definitions in this section apply
35 throughout this chapter unless the context clearly requires
36 otherwise.

37 (1) "Board" means the board of pilotage commissioners.

1 (2) "Commission" means the utilities and transportation
2 commission.

3 (3) "Person with a substantial interest" means: (a) A pilot or
4 group of pilots licensed under chapter 88.16 RCW; (b) a vessel
5 operator or other person utilizing the services of a licensed pilot
6 and paying pilotage fees and charges for such services or an
7 organization representing such vessel operators or persons; and (c)
8 any other person or business that can show that the requested tariff
9 changes would be likely to have a substantial economic impact on its
10 operations.

11 NEW SECTION. **Sec. 8.** (1) The commission shall establish in
12 tariffs the rates for pilotage services provided under chapter 88.16
13 RCW.

14 (2) The commission shall maintain a list of persons who have
15 indicated to the commission a desire to be notified of any potential
16 change in pilotage tariffs and in any proposed rules regarding the
17 setting of pilotage tariffs.

18 (3) The commission shall ensure that the tariffs provide rates
19 that are fair, just, reasonable, and sufficient, considering the
20 infrastructure and equipment assets, the nature of business
21 operations, safety equipment and training, and investments necessary
22 to maintain efficient, safe, and competent pilotage service and
23 operations.

24 (4) In setting tariffs, the commission may fix extra compensation
25 for extra services to vessels in distress, for awaiting vessels, for
26 all vessels in direct transit to or from a Canadian port where Puget
27 Sound pilotage is required for a portion of the voyage, or for being
28 carried to sea on vessels against the will of the pilot, and for such
29 other services as may be determined by the board. In setting tariffs,
30 the commission must include a tariff surcharge to fund the stipend
31 the board of pilotage commissioners is authorized to pay to pilot
32 trainees and to use in its pilot training program under RCW
33 88.16.035. The commission must also include in the tariff the
34 collection of revenue to fund the self-insurance liability premium
35 expenditures of the board of pilotage commissioners through June 30,
36 2023, to the extent payment contribution from the tariff is required
37 of the board of pilotage commissioners by the legislature. As an
38 element of the Puget Sound pilotage district tariff, the commission
39 may consider pilot retirement expenses incurred in the prior year in

1 either pilotage district. However, under no circumstances shall the
2 state be obligated to fund or pay for any portion of retirement
3 payments for pilots or retired pilots.

4 (5) In exercising duties under this section, the commission may:

5 (a) Request assistance from the board;

6 (b) Assign an administrative law judge to handle the proceeding
7 and prepare an initial order, which the commission may review
8 pursuant to RCW 34.05.464, or assign an administrative law judge as a
9 facilitator for settlement purposes; and

10 (c) Adopt rules or issue orders to implement the provisions of
11 this act.

12 NEW SECTION. **Sec. 9.** (1) Any person with a substantial interest
13 may file with the commission a revised tariff with an effective date
14 no earlier than thirty days from the date of filing.

15 (2) The proposed tariff must be accompanied by:

16 (a) The names and contact information of the person or persons
17 requesting the tariff revision;

18 (b) A description of why the existing tariffs are not fair, just,
19 reasonable, and sufficient, along with financial information to
20 demonstrate a need for the tariff revision and information addressing
21 the criteria for approval of tariff revisions set forth in section
22 8(3) of this act;

23 (c) If the petitioner proposes a tariff with an annual or
24 periodic adjustment mechanism, information justifying such a
25 mechanism; and

26 (d) Any other information required by the commission by rule or
27 by order.

28 (3) After receipt of a proper petition, the commission shall give
29 notice of the petition to interested persons that have stated a
30 desire to be notified pursuant to section 8(2) of this act. Any
31 person with a substantial interest in the proposed tariff revision
32 may submit comments in support or opposition of the petition within
33 twenty days of the notice.

34 (4) The filed tariff shall take effect on its stated effective
35 date unless, within thirty days of filing of the tariff, the
36 commission suspends it. The commission may suspend the tariff for a
37 period not exceeding ten months from the time the change would
38 otherwise go into effect. During that time, the commission may set

1 the matter for a hearing pursuant to chapter 34.05 RCW or set the
2 matter for consideration at a subsequent open public meeting.

3 (5) The burden of proof to show that the tariff rates are not
4 fair, just, reasonable, and sufficient is upon the person with a
5 substantial interest that files the revised tariff.

6 NEW SECTION. **Sec. 10.** The commission shall encourage
7 alternative forms of dispute resolution to resolve disputes between
8 an association or group of pilots and any other person regarding
9 matters covered by this chapter.

10 NEW SECTION. **Sec. 11.** The tariffs established by the board
11 prior to the effective date of this section shall remain in effect
12 and be deemed pilotage tariffs set by the commission until such time
13 as they are changed by the commission pursuant to this chapter.

14 NEW SECTION. **Sec. 12.** The commission may include as part of the
15 tariff for pilotage services provided under chapter 88.16 RCW
16 reasonable costs for the setting of tariff rates under this chapter.
17 The costs of the commission included as part of the tariff must be
18 appropriated from the marine pilotage tariff setting account in
19 section 13 of this act.

20 NEW SECTION. **Sec. 13.** The marine pilotage tariff setting
21 account is created in the state treasury. All receipts designated,
22 credited, or transferred to the marine pilotage tariff setting
23 account must be deposited in the account. Moneys in the account may
24 be spent only after appropriation. Expenditures from the account may
25 be used for the purposes of the commission for pilotage tariff
26 setting, as prescribed under this chapter.

27 **Sec. 14.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
28 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
29 read as follows:

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

33 (2) The treasury income account shall be utilized to pay or
34 receive funds associated with federal programs as required by the
35 federal cash management improvement act of 1990. The treasury income

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

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

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

27 (a) The following accounts and funds shall receive their
28 proportionate share of earnings based upon each account's and fund's
29 average daily balance for the period: The aeronautics account, the
30 aircraft search and rescue account, the Alaskan Way viaduct
31 replacement project account, the brownfield redevelopment trust fund
32 account, the budget stabilization account, the capital vessel
33 replacement account, the capitol building construction account, the
34 Cedar River channel construction and operation account, the Central
35 Washington University capital projects account, the charitable,
36 educational, penal and reformatory institutions account, the Chehalis
37 basin account, the cleanup settlement account, the Columbia river
38 basin water supply development account, the Columbia river basin
39 taxable bond water supply development account, the Columbia river
40 basin water supply revenue recovery account, the common school

1 construction fund, the community forest trust account, the connecting
2 Washington account, the county arterial preservation account, the
3 county criminal justice assistance account, the deferred compensation
4 administrative account, the deferred compensation principal account,
5 the department of licensing services account, the department of
6 retirement systems expense account, the developmental disabilities
7 community trust account, the diesel idle reduction account, the
8 drinking water assistance account, the drinking water assistance
9 administrative account, the early learning facilities development
10 account, the early learning facilities revolving account, the Eastern
11 Washington University capital projects account, the Interstate 405
12 express toll lanes operations account, the education construction
13 fund, the education legacy trust account, the election account, the
14 electric vehicle charging infrastructure account, the energy freedom
15 account, the energy recovery act account, the essential rail
16 assistance account, The Evergreen State College capital projects
17 account, the federal forest revolving account, the ferry bond
18 retirement fund, the freight mobility investment account, the freight
19 mobility multimodal account, the grade crossing protective fund, the
20 public health services account, the high capacity transportation
21 account, the state higher education construction account, the higher
22 education construction account, the highway bond retirement fund, the
23 highway infrastructure account, the highway safety fund, the high
24 occupancy toll lanes operations account, the hospital safety net
25 assessment fund, the industrial insurance premium refund account, the
26 judges' retirement account, the judicial retirement administrative
27 account, the judicial retirement principal account, the local
28 leasehold excise tax account, the local real estate excise tax
29 account, the local sales and use tax account, the marine pilotage
30 tariff setting account, the marine resources stewardship trust
31 account, the medical aid account, the mobile home park relocation
32 fund, the money-purchase retirement savings administrative account,
33 the money-purchase retirement savings principal account, the motor
34 vehicle fund, the motorcycle safety education account, the multimodal
35 transportation account, the multiuse roadway safety account, the
36 municipal criminal justice assistance account, the natural resources
37 deposit account, the oyster reserve land account, the pension funding
38 stabilization account, the perpetual surveillance and maintenance
39 account, the pollution liability insurance agency underground storage
40 tank revolving account, the public employees' retirement system plan

1 1 account, the public employees' retirement system combined plan 2
2 and plan 3 account, the public facilities construction loan revolving
3 account beginning July 1, 2004, the public health supplemental
4 account, the public works assistance account, the Puget Sound capital
5 construction account, the Puget Sound ferry operations account, the
6 Puget Sound taxpayer accountability account, the real estate
7 appraiser commission account, the recreational vehicle account, the
8 regional mobility grant program account, the resource management cost
9 account, the rural arterial trust account, the rural mobility grant
10 program account, the rural Washington loan fund, the sexual assault
11 prevention and response account, the site closure account, the
12 skilled nursing facility safety net trust fund, the small city
13 pavement and sidewalk account, the special category C account, the
14 special wildlife account, the state employees' insurance account, the
15 state employees' insurance reserve account, the state investment
16 board expense account, the state investment board commingled trust
17 fund accounts, the state patrol highway account, the state route
18 number 520 civil penalties account, the state route number 520
19 corridor account, the state wildlife account, the supplemental
20 pension account, the Tacoma Narrows toll bridge account, the
21 teachers' retirement system plan 1 account, the teachers' retirement
22 system combined plan 2 and plan 3 account, the tobacco prevention and
23 control account, the tobacco settlement account, the toll facility
24 bond retirement account, the transportation 2003 account (nickel
25 account), the transportation equipment fund, the transportation
26 future funding program account, the transportation improvement
27 account, the transportation improvement board bond retirement
28 account, the transportation infrastructure account, the
29 transportation partnership account, the traumatic brain injury
30 account, the tuition recovery trust fund, the University of
31 Washington bond retirement fund, the University of Washington
32 building account, the volunteer firefighters' and reserve officers'
33 relief and pension principal fund, the volunteer firefighters' and
34 reserve officers' administrative fund, the Washington judicial
35 retirement system account, the Washington law enforcement officers'
36 and firefighters' system plan 1 retirement account, the Washington
37 law enforcement officers' and firefighters' system plan 2 retirement
38 account, the Washington public safety employees' plan 2 retirement
39 account, the Washington school employees' retirement system combined
40 plan 2 and 3 account, the Washington state health insurance pool

1 account, the Washington state patrol retirement account, the
2 Washington State University building account, the Washington State
3 University bond retirement fund, the water pollution control
4 revolving administration account, the water pollution control
5 revolving fund, the Western Washington University capital projects
6 account, the Yakima integrated plan implementation account, the
7 Yakima integrated plan implementation revenue recovery account, and
8 the Yakima integrated plan implementation taxable bond account.
9 Earnings derived from investing balances of the agricultural
10 permanent fund, the normal school permanent fund, the permanent
11 common school fund, the scientific permanent fund, the state
12 university permanent fund, and the state reclamation revolving
13 account shall be allocated to their respective beneficiary accounts.

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

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

23 NEW SECTION. **Sec. 15.** Sections 7 through 13 of this act
24 constitute a new chapter in Title 81 RCW.

25 NEW SECTION. **Sec. 16.** To ensure that this act is implemented in
26 a timely manner, the utilities and transportation commission may
27 adopt rules under section 8 of this act prior to July 1, 2019.

28 NEW SECTION. **Sec. 17.** Except for section 16 of this act, this
29 act takes effect July 1, 2019.

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