
HOUSE BILL 2983

State of Washington

65th Legislature

2018 Regular Session

By Representative Clibborn

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

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

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

9 (1) The utilities and transportation commission shall under
10 sections 6 through 11 of this act periodically, but not more
11 frequently than annually, establish the pilotage tariffs for pilotage
12 services provided under this chapter: PROVIDED, That the utilities
13 and transportation commission may establish extra compensation for
14 extra services to vessels in distress, for awaiting vessels, for all
15 vessels in direct transit to or from a Canadian port where Puget
16 Sound pilotage is required for a portion of the voyage, or for being
17 carried to sea on vessels against the will of the pilot, and for such
18 other services as may be determined by the commission: PROVIDED
19 FURTHER, That as an element of the Puget Sound pilotage district
20 tariff, the utilities and transportation commission may consider
21 pilot retirement expenses incurred in the prior year in either

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

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

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

15 **Sec. 2.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to
16 read as follows:

17 (1) The board of pilotage commissioners shall:

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

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

23 (ii) Establish a comprehensive training program to assist in the
24 training and evaluation of pilot applicants before final licensing;
25 and

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

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

32 (d) Determine from time to time the number of pilots necessary to
33 be licensed in each district of the state to optimize the operation
34 of a safe, fully regulated, efficient, and competent pilotage service
35 in each district;

36 ~~(e) ((Annually fix the pilotage tariffs for pilotage services
37 provided under this chapter: PROVIDED, That the board may fix extra
38 compensation for extra services to vessels in distress, for awaiting
39 vessels, for all vessels in direct transit to or from a Canadian port~~

1 ~~where Puget Sound pilotage is required for a portion of the voyage,~~
2 ~~or for being carried to sea on vessels against the will of the pilot,~~
3 ~~and for such other services as may be determined by the board:~~
4 ~~PROVIDED FURTHER, That as an element of the Puget Sound pilotage~~
5 ~~district tariff, the board may consider pilot retirement plan~~
6 ~~expenses incurred in the prior year in either pilotage district.~~
7 ~~However, under no circumstances shall the state be obligated to fund~~
8 ~~or pay for any portion of retirement payments for pilots or retired~~
9 ~~pilots)) Provide assistance to the utilities and transportation~~
10 ~~commission, as requested by the utilities and transportation~~
11 ~~commission, in its performance of pilotage tariff setting functions~~
12 ~~under sections 6 through 11 of this act;~~

13 (f) File annually with the governor and the chairs of the
14 transportation committees of the senate and house of representatives
15 a report which includes, but is not limited to, the following: The
16 number, names, ages, pilot license number, training license number,
17 and years of service as a Washington licensed pilot of any person
18 licensed by the board as a Washington state pilot or trainee; the
19 names, employment, and other information of the members of the board;
20 the total number of pilotage assignments by pilotage district,
21 including information concerning the various types and sizes of
22 vessels and the total annual tonnage; the annual earnings or stipends
23 of individual pilots and trainees before and after deduction for
24 expenses of pilot organizations, including extra compensation as a
25 separate category; the annual expenses of private pilot associations,
26 including personnel employed and capital expenditures; the status of
27 pilotage tariffs, extra compensation, and travel; the retirement
28 contributions paid to pilots and the disposition thereof; the number
29 of groundings, marine occurrences, or other incidents which are
30 reported to or investigated by the board, and which are determined to
31 be accidents, as defined by the board, including the vessel name,
32 location of incident, pilot's or trainee's name, and disposition of
33 the case together with information received before the board acted
34 from all persons concerned, including the United States coast guard;
35 the names, qualifications, time scheduled for examinations, and the
36 district of persons desiring to apply for Washington state pilotage
37 licenses; summaries of dispatch records, quarterly reports from
38 pilots, and the bylaws and operating rules of pilotage organizations;
39 the names, sizes in deadweight tons, surcharges, if any, port of
40 call, name of the pilot or trainee, and names and horsepower of tug

1 boats for any and all oil tankers subject to the provisions of RCW
2 88.16.190 together with the names of any and all vessels for which
3 the United States coast guard requires special handling pursuant to
4 their authority under the Ports and Waterways Safety Act of 1972; the
5 expenses of the board; and any and all other information which the
6 board deems appropriate to include;

7 (g) Make available information that includes the pilotage act and
8 other statutes of Washington state and the federal government that
9 affect pilotage, including the rules of the board, together with such
10 additional information as may be informative for pilots, agents,
11 owners, operators, and masters;

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

14 (i) Provide for the maintenance of efficient and competent
15 pilotage service on all waters covered by this chapter; and do such
16 other things as are reasonable, necessary, and expedient to insure
17 proper and safe pilotage upon the waters covered by this chapter and
18 facilitate the efficient administration of this chapter.

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

21 **Sec. 3.** RCW 88.16.070 and 2017 c 88 s 1 are each amended to read
22 as follows:

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

26 (1) A United States vessel on a voyage in which it is operating
27 exclusively on its coastwise endorsement, its fishery endorsement
28 (including catching and processing its own catch outside United
29 States waters and economic zone for delivery in the United States),
30 and/or its recreational (or pleasure) endorsement, and all United
31 States and Canadian vessels engaged exclusively in the coasting trade
32 on the west coast of the continental United States (including Alaska)
33 and/or British Columbia shall be exempt from the provisions of this
34 chapter unless a pilot licensed under this chapter be actually
35 employed, in which case the pilotage rates provided for in this
36 chapter or established under sections 6 through 11 of this act shall
37 apply.

38 (2) The board may, upon the written petition of any interested
39 party, and upon notice and opportunity for hearing, grant an

1 exemption from the provisions of this chapter to any vessel that the
2 board finds is (a) a small passenger vessel that is not more than one
3 thousand three hundred gross tons (international), does not exceed
4 two hundred feet in overall length, is manned by United States-
5 licensed deck and engine officers appropriate to the size of the
6 vessel with merchant mariner credentials issued by the United States
7 coast guard or Canadian deck and engine officers with Canadian-issued
8 certificates of competency appropriate to the size of the vessel, and
9 is operated exclusively in the waters of the Puget Sound pilotage
10 district and lower British Columbia, or (b) a yacht that is not more
11 than one thousand three hundred gross tons (international) and does
12 not exceed two hundred feet in overall length. Such an exemption
13 shall not be detrimental to the public interest in regard to safe
14 operation preventing loss of human lives, loss of property, and
15 protecting the marine environment of the state of Washington. Such
16 petition shall set out the general description of the vessel, the
17 contemplated use of same, the proposed area of operation, and the
18 name and address of the vessel's owner. The board shall annually, or
19 at any other time when in the public interest, review any exemptions
20 granted to this specified class of small vessels to insure that each
21 exempted vessel remains in compliance with the original exemption.
22 The board shall have the authority to revoke such exemption where
23 there is not continued compliance with the requirements for
24 exemption. The board shall maintain a file which shall include all
25 petitions for exemption, a roster of vessels granted exemption, and
26 the board's written decisions which shall set forth the findings for
27 grants of exemption. Each applicant for exemption or annual renewal
28 shall pay a fee, payable to the pilotage account. Fees for initial
29 applications and for renewals shall be established by rule, and shall
30 not exceed one thousand five hundred dollars. The board shall report
31 annually to the legislature on such exemptions.

32 (3) Every vessel not exempt under subsection (1) or (2) of this
33 section shall, while navigating the Puget Sound and Grays Harbor
34 pilotage districts, employ a pilot licensed under the provisions of
35 this chapter and shall be liable for and pay pilotage rates in
36 accordance with the pilotage rates herein established or which may
37 hereafter be established under the provisions of this chapter or
38 under sections 6 through 11 of this act: PROVIDED, That any vessel
39 inbound to or outbound from Canadian ports is exempt from the
40 provisions of this section, if said vessel actually employs a pilot

1 licensed by the Pacific pilotage authority (the pilot licensing
2 authority for the western district of Canada), and if it is
3 communicating with the vessel traffic system and has appropriate
4 navigational charts, and if said vessel uses only those waters east
5 of the international boundary line which are west of a line which
6 begins at the southwestern edge of Point Roberts then to Alden Point
7 (Patos Island), then to Skipjack Island light, then to Turn Point
8 (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime
9 Kiln (San Juan Island) then to the intersection of one hundred
10 twenty-three degrees seven minutes west longitude and forty-eight
11 degrees twenty-five minutes north latitude then to the international
12 boundary. The board shall correspond with the Pacific pilotage
13 authority from time to time to ensure the provisions of this section
14 are enforced. If any exempted vessel does not comply with these
15 provisions it shall be deemed to be in violation of this section and
16 subject to the penalties provided in RCW 88.16.150 as now or
17 hereafter amended and liable to pilotage fees as determined by the
18 board. The board shall investigate any accident on the waters covered
19 by this chapter involving a Canadian pilot and shall include the
20 results in its annual report.

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

23 No pilot shall charge, collect or receive and no person, firm,
24 corporation or association shall pay for pilotage or other services
25 performed hereunder any greater, less or different amount, directly
26 or indirectly, than the rates or charges herein established or
27 ~~((which may be hereafter fixed))~~ subsequently established by the
28 utilities and transportation commission under sections 6 through 11
29 of this act and by the board ~~((pursuant to))~~ under this chapter. Any
30 pilot, person, firm, corporation or association violating the
31 provisions of this section shall be guilty of a misdemeanor and shall
32 be punished pursuant to RCW 88.16.150 as now or hereafter amended,
33 said prosecution to be conducted by the attorney general or the
34 prosecuting attorney of any county wherein the offense or any part
35 thereof was committed.

36 **Sec. 5.** RCW 88.16.130 and 2013 c 23 s 533 are each amended to
37 read as follows:

1 Any person not holding a license as pilot under the provisions of
2 this chapter who pilots any vessel subject to the provisions of this
3 chapter on waters covered by this chapter shall pay to the board the
4 pilotage rates (~~(payable)~~) established by the utilities and
5 transportation commission under sections 6 through 11 of this act and
6 any applicable fees established by the board under (~~the provisions~~
7 ~~of~~) this chapter. Any master or owner of a vessel required to employ
8 a pilot licensed under the provisions of this chapter who refuses to
9 do so when such a pilot is available shall be punished pursuant to
10 RCW 88.16.150 as now or hereafter amended and shall be imprisoned in
11 the county jail of the county wherein he or she is so convicted until
12 said fine and the costs of his or her prosecution are paid.

13 NEW SECTION. **Sec. 6.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

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

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

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

27 NEW SECTION. **Sec. 7.** (1) The commission shall establish in
28 tariffs the rates for pilotage services provided under chapter 88.16
29 RCW.

30 (2) The commission shall maintain a list of persons who have
31 indicated to the commission a desire to be notified of any potential
32 change in pilotage tariffs and in any proposed rules regarding the
33 setting of pilotage tariffs.

34 (3) The commission shall ensure that the tariffs provide rates
35 that are fair, just, reasonable, and sufficient, considering the
36 infrastructure and equipment assets, the nature of business
37 operations, safety equipment and training, and investments necessary

1 to maintain efficient, safe, and competent pilotage service and
2 operations.

3 (4) In setting tariffs, the commission may fix extra compensation
4 for extra services to vessels in distress, for awaiting vessels, for
5 all vessels in direct transit to or from a Canadian port where Puget
6 Sound pilotage is required for a portion of the voyage, or for being
7 carried to sea on vessels against the will of the pilot, and for such
8 other services as may be determined by the board. As an element of
9 the Puget Sound pilotage district tariff, the commission may consider
10 pilot retirement expenses incurred in the prior year in either
11 pilotage district. However, under no circumstances shall the state be
12 obligated to fund or pay for any portion of retirement payments for
13 pilots or retired pilots.

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

15 (a) Request assistance from the board;

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

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

22 NEW SECTION. **Sec. 8.** (1) Any person with a substantial interest
23 may file with the commission a revised tariff with an effective date
24 no earlier than thirty days from the date of filing.

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

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

28 (b) A description of why the existing tariffs are not fair, just,
29 reasonable, and sufficient, along with financial information to
30 demonstrate a need for the tariff revision and information addressing
31 the criteria for approval of tariff revisions set forth in section
32 7(3) of this act;

33 (c) If the petitioner proposes a tariff with an annual or
34 periodic adjustment mechanism, information justifying such a
35 mechanism; and

36 (d) Any other information required by the commission by rule or
37 by order.

38 (3) After receipt of a proper petition, the commission shall give
39 notice of the petition to interested persons that have stated a

1 desire to be notified pursuant to section 7(2) of this act. Any
2 person with a substantial interest in the proposed tariff revision
3 may submit comments in support or opposition of the petition within
4 twenty days of the notice.

5 (4) The filed tariff shall take effect on its stated effective
6 date unless, within thirty days of filing of the tariff, the
7 commission suspends it. The commission may suspend the tariff for a
8 period not exceeding ten months from the time the change would
9 otherwise go into effect. During that time, the commission may set
10 the matter for a hearing pursuant to chapter 34.05 RCW or set the
11 matter for consideration at a subsequent open public meeting.

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

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

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

23 NEW SECTION. **Sec. 11.** The commission may include as part of the
24 tariff for pilotage services provided under chapter 88.16 RCW
25 reasonable costs for the setting of tariff rates under this chapter.
26 The costs of the commission included as part of the tariff must be
27 appropriated from the marine pilotage tariff setting account in
28 section 12 of this act.

29 NEW SECTION. **Sec. 12.** The marine pilotage tariff setting
30 account is created in the state treasury. All receipts designated,
31 credited, or transferred to the marine pilotage tariff setting
32 account must be deposited in the account. Moneys in the account may
33 be spent only after appropriation. Expenditures from the account may
34 be used for the purposes of the commission for pilotage tariff
35 setting, as prescribed under this chapter.

1 **Sec. 13.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
2 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
3 read as follows:

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

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

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

32 (4) Monthly, the state treasurer shall distribute the earnings
33 credited to the treasury income account. The state treasurer shall
34 credit the general fund with all the earnings credited to the
35 treasury income account except:

36 (a) The following accounts and funds shall receive their
37 proportionate share of earnings based upon each account's and fund's
38 average daily balance for the period: The aeronautics account, the
39 aircraft search and rescue account, the Alaskan Way viaduct
40 replacement project account, the brownfield redevelopment trust fund

1 account, the budget stabilization account, the capital vessel
2 replacement account, the capitol building construction account, the
3 Cedar River channel construction and operation account, the Central
4 Washington University capital projects account, the charitable,
5 educational, penal and reformatory institutions account, the Chehalis
6 basin account, the cleanup settlement account, the Columbia river
7 basin water supply development account, the Columbia river basin
8 taxable bond water supply development account, the Columbia river
9 basin water supply revenue recovery account, the common school
10 construction fund, the community forest trust account, the connecting
11 Washington account, the county arterial preservation account, the
12 county criminal justice assistance account, the deferred compensation
13 administrative account, the deferred compensation principal account,
14 the department of licensing services account, the department of
15 retirement systems expense account, the developmental disabilities
16 community trust account, the diesel idle reduction account, the
17 drinking water assistance account, the drinking water assistance
18 administrative account, the early learning facilities development
19 account, the early learning facilities revolving account, the Eastern
20 Washington University capital projects account, the Interstate 405
21 express toll lanes operations account, the education construction
22 fund, the education legacy trust account, the election account, the
23 electric vehicle charging infrastructure account, the energy freedom
24 account, the energy recovery act account, the essential rail
25 assistance account, The Evergreen State College capital projects
26 account, the federal forest revolving account, the ferry bond
27 retirement fund, the freight mobility investment account, the freight
28 mobility multimodal account, the grade crossing protective fund, the
29 public health services account, the high capacity transportation
30 account, the state higher education construction account, the higher
31 education construction account, the highway bond retirement fund, the
32 highway infrastructure account, the highway safety fund, the high
33 occupancy toll lanes operations account, the hospital safety net
34 assessment fund, the industrial insurance premium refund account, the
35 judges' retirement account, the judicial retirement administrative
36 account, the judicial retirement principal account, the local
37 leasehold excise tax account, the local real estate excise tax
38 account, the local sales and use tax account, the marine pilotage
39 tariff setting account, the marine resources stewardship trust
40 account, the medical aid account, the mobile home park relocation

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

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

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

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

32 NEW SECTION. **Sec. 14.** Sections 6 through 12 of this act
33 constitute a new chapter in Title 81 RCW.

34 NEW SECTION. **Sec. 15.** To ensure that this act is implemented in
35 a timely manner, the utilities and transportation commission may
36 adopt rules under section 7 of this act prior to July 1, 2019.

1 NEW SECTION. **Sec. 16.** Except for section 15 of this act, this
2 act takes effect July 1, 2019.

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