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**SENATE BILL 6534**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senator Cleveland

1 AN ACT Relating to an ambulance transport quality assurance fee;  
2 reenacting and amending RCW 43.84.092; adding a new chapter to Title  
3 74 RCW; prescribing penalties; providing an expiration date; and  
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the payments to  
7 private emergency ambulance service providers for transports for  
8 medicaid recipients have not been increased since 2004, resulting in  
9 a loss for carriers who provide this service. This has resulted in  
10 the shifting of cost of medicaid transports to other payers.

11 The purpose of this chapter is to provide for a quality assurance  
12 fee for specified providers of emergency ambulance services as  
13 referenced in 42 C.F.R. Sec. 433.56, which will be used to add on to  
14 base funding from all other sources, thereby supporting additional  
15 medicaid payments to nonpublic and nonfederal providers of emergency  
16 ambulance services as specified in this chapter.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply  
18 throughout this chapter unless the context clearly requires  
19 otherwise.

1 (1) "Aggregate fee schedule amount" means the product of the add-  
2 on calculated pursuant to section 6(1) of this act multiplied by the  
3 number of emergency ambulance transports for the state fiscal year.

4 (2) "Ambulance transport provider subject to the fee" means an  
5 ambulance transport provider that is licensed under RCW 18.73.140  
6 that bills and receives patient care revenue from the provision of  
7 ambulance transports. "Ambulance transport provider subject to the  
8 fee" does not include a provider that is owned or operated by the  
9 state, a city, county, fire protection district, community services  
10 district, health care district, federally recognized Indian tribe, or  
11 any unit of government as defined in 42 C.F.R. Sec. 433.50.

12 (3) "Annual quality assurance fee rate" means the quality  
13 assurance fee per emergency ambulance transport during each  
14 applicable state fiscal year assessed on each ambulance transport  
15 provider subject to the fee.

16 (4) "Authority" means the Washington state health care authority.

17 (5) "Available fee amount" means the sum of the following:

18 (a) The amount deposited in the ambulance transport fund  
19 established under section 3 of this act during the applicable state  
20 fiscal year, less the amounts described in section 3(3)(a) of this  
21 act; and

22 (b) Any federal financial participation obtained as a result of  
23 the deposit of the amount described in this subsection, for the  
24 applicable state fiscal year.

25 (6) "Effective state medical assistance percentage" means a ratio  
26 of the aggregate expenditures from state-only sources for medicaid  
27 divided by the aggregate expenditures from state and federal sources  
28 for medicaid for a state fiscal year.

29 (7) "Emergency ambulance transport" means the act of transporting  
30 an individual by use of an ambulance during which a client receives  
31 needed emergency medical services en route to an appropriate medical  
32 facility. "Emergency ambulance transport" does not include  
33 transportation of beneficiaries by passenger cars, taxicabs, litter  
34 vans, wheelchair vans, or other forms of public or private  
35 conveyances, nor does it include transportation by an air ambulance  
36 provider. An "emergency ambulance transport" does not occur when,  
37 following evaluation of a patient, a transport is not provided.

38 (8) "Fee-for-service payment schedule" means the payment rates to  
39 ambulance transport providers for emergency ambulance transports by

1 the authority without the inclusion of the add-on described in  
2 section 6 of this act.

3 (9) "Gross receipts" means the total amount of payments received  
4 as patient care revenue for emergency ambulance transports,  
5 determined on a cash basis of accounting. "Gross receipts" includes  
6 all payments received as patient care revenue for emergency ambulance  
7 transports from medicaid, medicare, commercial insurance, and all  
8 other payers as payment for services rendered.

9 (10) "Medicaid" means the medical assistance program and the  
10 state children's health insurance program as established in Title XIX  
11 and Title XXI of the social security act, respectively, and as  
12 administered in the state of Washington by the authority.

13 (11) "Program" means the ambulance quality assurance fee program  
14 established in this chapter.

15 NEW SECTION. **Sec. 3.** (1) A dedicated fund is hereby established  
16 within the state treasury to be known as the ambulance transport  
17 fund. The purpose and use of the fund shall be to receive and  
18 disburse funds, together with accrued interest, in accordance with  
19 this chapter. Moneys in the fund, including interest earned, shall  
20 not be used or disbursed for any purposes other than those specified  
21 in this chapter. Any amounts expended from the fund that are later  
22 recouped by the authority on audit or otherwise shall be returned to  
23 the fund. Moneys in the account may be spent only after  
24 appropriation.

25 (2) The quality assurance fees collected by the authority  
26 pursuant to section 5 of this act must be deposited in the ambulance  
27 transport fund.

28 (3) The moneys in the ambulance transport fund, including any  
29 interest and dividends earned on money in the fund, shall be  
30 available exclusively to enhance federal financial participation for  
31 ambulance services under the medicaid program and to provide  
32 additional reimbursement to, and to support quality improvement  
33 efforts of, ambulance transport providers subject to the fee, and to  
34 pay for the state's administrative costs and to provide funding for  
35 health care coverage for Washingtonians, in the following order of  
36 priority:

37 (a) To pay for the authority's staffing and administrative costs  
38 directly attributable to administering this chapter, not to exceed

1 five percent of the annual quality assurance fee rate collection  
2 amount, exclusive of any federal matching funds; and

3 (b) To make increased payments to ambulance transport providers  
4 subject to the fee pursuant to section 6 of this act.

5 NEW SECTION. **Sec. 4.** (1) Each ambulance transport provider  
6 subject to the fee must report to the authority the number of  
7 emergency ambulance transports by payer type and the annual gross  
8 receipts for the state fiscal year ending June 30, 2020, pursuant to  
9 form and timing required by the authority. The authority shall  
10 establish the timing for such reporting to occur on or after August  
11 15, 2020.

12 (2) Each ambulance transport provider subject to the fee must  
13 report to the authority the number of emergency ambulance transports  
14 by payer type for each state fiscal quarter commencing with the state  
15 fiscal quarter ending September 30, 2020, pursuant to form and timing  
16 required by the authority. The authority shall establish the timing  
17 for such reporting to occur on or after the forty-fifth day after the  
18 end of each applicable state fiscal quarter.

19 (3) Each ambulance transport provider subject to the fee must  
20 report to the authority the annual gross receipts for each state  
21 fiscal year commencing with the state fiscal year ending June 30,  
22 2021, pursuant to form and timing required by the authority. The  
23 authority shall establish the timing for such reporting to occur on  
24 or after the forty-fifth day after the end of each applicable state  
25 fiscal year.

26 (4) The authority may require a certification by each ambulance  
27 transport provider subject to the fee under penalty of perjury of the  
28 truth of the reports required under this section. Upon written notice  
29 to an ambulance transport provider, the authority may impose a civil  
30 penalty of one hundred dollars per day against an ambulance transport  
31 provider for every day that an ambulance transport provider fails to  
32 make a report required by this section within five days of the date  
33 upon which the report was due. Any funds resulting from a penalty  
34 imposed pursuant to this subsection shall be deposited in the  
35 ambulance transport fund established in section 3 of this act.

36 NEW SECTION. **Sec. 5.** (1) Beginning July 1, 2021, and annually  
37 thereafter, the authority shall assess each ambulance transport  
38 provider subject to the fee, a quality assurance fee. Each ambulance

1 transport provider subject to the fee must pay the quality assurance  
2 fee on a quarterly basis. The quarterly quality assurance fee payment  
3 shall be based on the annual quality assurance fee rate for the  
4 applicable state fiscal year multiplied by the number of emergency  
5 ambulance transports provided by the ambulance transport provider  
6 subject to the fee in the second quarter preceding the state fiscal  
7 quarter for which the fee is assessed.

8 (2)(a) For the state fiscal year beginning July 1, 2021, the  
9 annual quality assurance fee rate shall be calculated by multiplying  
10 the projected total annual gross receipts for all ambulance transport  
11 providers subject to the fee by five percent, which resulting product  
12 shall be divided by the projected total annual ambulance transports  
13 by all ambulance transport providers subject to the fee for the state  
14 fiscal year.

15 (b) For state fiscal years beginning July 1, 2022, and continuing  
16 each state fiscal year thereafter, the quality assurance fee rate  
17 shall be calculated by a ratio, the numerator of which shall be the  
18 sum of (i) the product of the projected aggregate fee schedule amount  
19 and the effective state medical assistance percentage and (ii) the  
20 amount described in section 3(3)(a) of this act that the authority  
21 projects will be directly attributable to the initial and continued  
22 implementation of this chapter for the state fiscal year, and the  
23 denominator of which shall be the projected total annual emergency  
24 ambulance transports by all ambulance transport providers subject to  
25 the fee.

26 (c) If, during a state fiscal year, the actual or projected  
27 available fee amount exceeds or is less than the actual or projected  
28 aggregate fee schedule amount by more than one percent, the authority  
29 shall adjust the annual quality assurance fee rate so that the  
30 available fee amount for the state fiscal year is approximately equal  
31 to the aggregate fee schedule amount for the state fiscal year. The  
32 available fee amount for a state fiscal year shall be considered to  
33 equal the aggregate fee schedule amount for the state fiscal year if  
34 the difference between the available fee amount for the state fiscal  
35 year and the aggregate fee schedule amount for the state fiscal year  
36 constitutes less than one percent of the aggregate fee schedule  
37 amount for the state fiscal year.

38 (3) For each state fiscal year for which the quality assurance  
39 fee is assessed, the authority shall send each ambulance transport  
40 provider subject to the fee an assessment notice no later than thirty

1 days prior to the beginning of the applicable state fiscal quarter.  
2 For each state fiscal quarter for which the quality assurance fee is  
3 assessed, the authority shall send to each ambulance transport  
4 provider subject to the fee an invoice of the quarterly quality  
5 assurance fee payment due for the quarter no later than thirty days  
6 before the payment is due. For each state fiscal quarter for which  
7 the quality assurance fee is assessed, the ambulance transport  
8 provider subject to the fee shall remit payment to the authority by  
9 the date established by the authority, which shall be no earlier than  
10 fifteen days after the beginning of the applicable state fiscal  
11 quarter.

12 (4) (a) Interest shall be assessed on quality assurance fees not  
13 paid on the date due at the rate and in the manner provided in RCW  
14 43.20B.695. Interest shall be deposited in the ambulance transport  
15 fund established in section 3 of this act.

16 (b) In the event that any fee payment is more than sixty days  
17 overdue, the authority may deduct the unpaid fee and interest owed  
18 from any medicaid reimbursement payments owed to the ambulance  
19 transport provider until the full amount of the fee, interest, and  
20 any penalties assessed under this chapter are recovered. Any  
21 deduction made pursuant to this subsection shall be made only after  
22 the authority gives the ambulance transport provider written  
23 notification. Any deduction made pursuant to this subsection may be  
24 deducted over a period of time that takes into account the financial  
25 condition of the ambulance transport provider.

26 (c) In the event that any fee payment is more than sixty days  
27 overdue, a penalty equal to the interest charge described in (a) of  
28 this subsection shall be assessed and due for each month for which  
29 the payment is not received after sixty days. Any funds resulting  
30 from a penalty imposed pursuant to this subsection shall be deposited  
31 into the ambulance transport fund established in section 3 of this  
32 act.

33 (d) The authority may waive a portion or all of either the  
34 interest or penalties, or both, assessed under this chapter in the  
35 event the authority determines, in its sole discretion, that the  
36 ambulance transport provider has demonstrated that imposition of the  
37 full amount of the quality assurance fee pursuant to the timelines  
38 applicable under this chapter has a high likelihood of creating an  
39 undue financial hardship for the provider. Waiver of some or all of  
40 the interest or penalties pursuant to this subsection shall be

1 conditioned on the ambulance transport provider's agreement to make  
2 fee payments on an alternative schedule developed by the authority.

3 (5) The authority shall accept an ambulance transport provider's  
4 payment even if the payment is submitted in a rate year subsequent to  
5 the rate year in which the fee was assessed.

6 (6) In the event of a merger, acquisition, or similar transaction  
7 involving an ambulance transport provider that has outstanding  
8 quality assurance fee payment obligations pursuant to this chapter,  
9 including any interest and penalty amounts owed, the resultant or  
10 successor ambulance transport provider shall be responsible for  
11 paying to the authority the full amount of outstanding quality  
12 assurance fee payments, including any applicable interest and  
13 penalties, attributable to the ambulance transport provider for which  
14 it was assessed, upon the effective date of such transaction. An  
15 entity considering a merger, acquisition, or similar transaction  
16 involving an ambulance transport provider may submit a request to the  
17 authority to ascertain the outstanding quality assurance fee payment  
18 obligations of the ambulance transport provider pursuant to this  
19 chapter as of the date of the authority's response to that request.

20 NEW SECTION. **Sec. 6.** (1) Beginning July 1, 2021, and for each  
21 state fiscal year thereafter, reimbursement for emergency ambulance  
22 transports provided by ambulance transport providers subject to the  
23 fee shall be increased by application of an add-on to the associated  
24 medicaid fee-for-service payment schedule. The add-on increase to the  
25 fee-for-service payment schedule under this section shall be  
26 calculated by June 15, 2021, and shall remain the same for later  
27 state fiscal years, to the extent the authority determines federal  
28 financial participation is available. The authority shall calculate  
29 the projections required by this subsection based on the number of  
30 emergency ambulance transports and gross revenue data submitted  
31 pursuant to section 4 of this act. The fee-for-service add-on shall  
32 be equal to the quotient of the available fee amount projected by the  
33 authority on or before June 15, 2021, for the 2021-2022 state fiscal  
34 year, divided by the total medicaid emergency ambulance transports,  
35 projected by the authority on or before June 15, 2021, for the 2020-  
36 2021 state fiscal year. The resulting fee-for-service payment  
37 schedule amounts after the application of this section shall be equal  
38 to the sum of the medicaid fee-for-service payment schedule amount  
39 and the add-on increase.

1 (2) The increased payments required by this section shall be  
2 funded solely from the following:

3 (a) The quality assurance fee set forth in section 5 of this act,  
4 along with any interest or other investment income earned on those  
5 funds; and

6 (b) Federal reimbursement and any other related federal funds.

7 (3) The proceeds of the quality assurance fee set forth in  
8 section 5 of this act, the matching amount provided by the federal  
9 government, and any interest earned on those proceeds shall be used  
10 to supplement, and not to supplant, existing funding for ambulance  
11 transports provided by ambulance transport providers.

12 (4) Notwithstanding any provision of this chapter, the authority  
13 may seek federal approval to implement any add-on increase to the  
14 fee-for-service payment schedule pursuant to this section for any  
15 state fiscal year or years, as applicable, on a time-limited basis  
16 for a fixed program period, as determined by the authority.

17 NEW SECTION. **Sec. 7.** The authority may adopt rules to implement  
18 this chapter.

19 NEW SECTION. **Sec. 8.** (1)(a) The authority shall request any  
20 approval from the federal centers for medicare and medicaid services  
21 it determines are necessary for the use of fees pursuant to this  
22 chapter and for the purpose of receiving associated federal matching  
23 funds.

24 (b) This chapter shall be implemented only to the extent that any  
25 necessary federal approvals are obtained and federal financial  
26 participation is available. The quality assurance fee pursuant to  
27 section 5 of this act shall only be assessed and collected for  
28 quarters in which the add-on pursuant to section 6 of this act is  
29 paid.

30 (2) The authority may modify or make adjustments to any  
31 methodology, fee amount, or other provision specified in this chapter  
32 to the extent necessary to meet the requirements of federal law or  
33 regulations or to obtain federal approval. If the authority, after  
34 consulting with ambulance transport providers subject to the fee,  
35 determines that a modification is needed, the authority shall execute  
36 a declaration stating that this determination has been made and that  
37 the actual or projected available fee amount for a state fiscal year  
38 remains approximately equal to the actual or projected aggregate fee



1 schedule amount for each applicable state fiscal year, as defined by  
2 section 5(2)(c) of this act. The authority shall retain the  
3 declaration and provide a copy, within ten working days of the  
4 execution of the declaration, to the appropriate fiscal and policy  
5 committees of the legislature.

6 NEW SECTION. **Sec. 9.** If there is a delay in the implementation  
7 of this chapter for any reason, including a delay in any required  
8 approval of the quality assurance fee and reimbursement methodology  
9 specified by the federal centers for medicare and medicaid services,  
10 the following shall apply:

11 (1) An ambulance transport provider subject to the fee may be  
12 assessed the amount the provider would be required to pay to the  
13 authority if the add-on increase to the fee-for-service payment  
14 schedule described in section 5(2)(c) of this act were already  
15 approved, but shall not be required to pay the fee until the add-on  
16 increase to the fee-for-service payment schedule described in section  
17 6 of this act is approved. The authority shall establish a schedule  
18 for payment of retroactive fees pursuant to this subsection in  
19 consultation with ambulance transport providers subject to the fee to  
20 minimize the disruption to the cash flow of ambulance transport  
21 providers subject to the fee.

22 (2) The authority may retroactively implement the add-on increase  
23 to the fee-for-service payment schedule pursuant to section 6 of this  
24 act to the extent the authority determines that federal financial  
25 participation is available.

26 NEW SECTION. **Sec. 10.** (1) The assessment, collection, and  
27 disbursement of funds under this chapter shall be conditional upon:

28 (a) The federal centers for medicare and medicaid services not  
29 determining that the quality assurance fee revenues may not be used  
30 for the purposes set forth in this chapter;

31 (b) The state not reducing its fee-for-service payment schedule  
32 for ambulance transports provided by ambulance transport providers;

33 (c) The state not delegating responsibility to pay for ambulance  
34 transports to a managed care organization, prepaid inpatient health  
35 plan, or prepaid ambulatory health plan, as those terms are defined  
36 in 42 C.F.R. Sec. 438.2;

37 (d) Federal financial participation being available and not  
38 otherwise jeopardized; and

1 (e) The program not prohibiting the ground emergency medical  
2 transportation services reimbursement program described in RCW  
3 41.05.730.

4 (2) This chapter ceases to be operative on the first day of the  
5 state fiscal year beginning on or after the date one or more of the  
6 following conditions is satisfied:

7 (a) The federal centers for medicare and medicaid services no  
8 longer allows the collection or use of the ambulance transport  
9 provider assessment provided in this chapter;

10 (b) The increase to the medicaid payments described in section 6  
11 of this act no longer remains in effect;

12 (c) The quality assurance fee assessed and collected pursuant to  
13 this chapter is no longer available for the purposes specified in  
14 this chapter;

15 (d) A final judicial determination made by any state or federal  
16 court that is not appealed, or by a court of appellate jurisdiction  
17 that is not further appealed, in any action by any party, or a final  
18 determination by the administrator of the federal centers for  
19 medicare and medicaid services that is not appealed, that federal  
20 financial participation is not available with respect to any payment  
21 made under the methodology implemented pursuant to this chapter;

22 (e) The state reduces its fee-for-service payment schedule for  
23 ambulance transports provided by ambulance transport providers;

24 (f) The state delegates responsibility to pay for ambulance  
25 transports to a managed care organization, prepaid inpatient health  
26 plan, or prepaid ambulatory health plan, as those terms are defined  
27 in 42 C.F.R. Sec. 438.2; and

28 (g) The program not prohibiting the ground emergency medical  
29 transportation services reimbursement program described in RCW  
30 41.05.730.

31 (3) In the event one or more of the conditions listed in  
32 subsection (2) of this section is satisfied, the authority shall  
33 notify, in writing and as soon as practicable, the secretary of  
34 state, the secretary of the senate, the chief clerk of the house of  
35 representatives, the appropriate fiscal and policy committees of the  
36 legislature, and the code reviser's office of the condition and the  
37 approximate date or dates that it occurred. The authority shall post  
38 the notice on the authority's web site.

39 (4) (a) Notwithstanding any other law, in the event this chapter  
40 becomes inoperative pursuant to subsection (2) of this section, the

1 authority shall be authorized to conduct all appropriate close-out  
2 activities and implement applicable provisions of this chapter for  
3 prior state fiscal years during which this chapter was operative  
4 including, but not limited to, the collection of outstanding quality  
5 assurance fees pursuant to section 5 of this act and payments  
6 associated with any add-on increase to the medicaid fee-for-service  
7 payment schedule pursuant to section 6 of this act. In implementing  
8 these close-out activities, the authority shall ensure that the  
9 actual or projected available fee amount for each applicable state  
10 fiscal year remains approximately equal to the aggregate fee schedule  
11 amount for the state fiscal year, as defined by section 5(2)(c) of  
12 this act. During this close-out period, the full amount of the  
13 quality assurance fee assessed and collected remains available only  
14 for the purposes specified in this chapter.

15 (b) Upon a determination by the authority that all appropriate  
16 close-out and implementation activities pursuant to (a) of this  
17 subsection have been completed, the authority shall notify, in  
18 writing, the secretary of state, the secretary of the senate, the  
19 chief clerk of the house of representatives, the appropriate fiscal  
20 and policy committees of the legislature, and the code reviser's  
21 office of that determination. This chapter shall expire as of the  
22 effective date of the notification issued by the authority pursuant  
23 to this subsection.

24 **Sec. 11.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14,  
25 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each  
26 reenacted and amended to read as follows:

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

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

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

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

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

20 (a) The following accounts and funds shall receive their  
21 proportionate share of earnings based upon each account's and fund's  
22 average daily balance for the period: The abandoned recreational  
23 vehicle disposal account, the aeronautics account, the aircraft  
24 search and rescue account, the Alaskan Way viaduct replacement  
25 project account, the ambulance transport fund, the brownfield  
26 redevelopment trust fund account, the budget stabilization account,  
27 the capital vessel replacement account, the capitol building  
28 construction account, the Cedar River channel construction and  
29 operation account, the Central Washington University capital projects  
30 account, the charitable, educational, penal and reformatory  
31 institutions account, the Chehalis basin account, the cleanup  
32 settlement account, the Columbia river basin water supply development  
33 account, the Columbia river basin taxable bond water supply  
34 development account, the Columbia river basin water supply revenue  
35 recovery account, the common school construction fund, the community  
36 forest trust account, the connecting Washington account, the county  
37 arterial preservation account, the county criminal justice assistance  
38 account, the deferred compensation administrative account, the  
39 deferred compensation principal account, the department of licensing  
40 services account, the department of licensing tuition recovery trust

1 fund, the department of retirement systems expense account, the  
2 developmental disabilities community trust account, the diesel idle  
3 reduction account, the drinking water assistance account, the  
4 drinking water assistance administrative account, the early learning  
5 facilities development account, the early learning facilities  
6 revolving account, the Eastern Washington University capital projects  
7 account, the education construction fund, the education legacy trust  
8 account, the election account, the electric vehicle account, the  
9 energy freedom account, the energy recovery act account, the  
10 essential rail assistance account, The Evergreen State College  
11 capital projects account, the federal forest revolving account, the  
12 ferry bond retirement fund, the freight mobility investment account,  
13 the freight mobility multimodal account, the grade crossing  
14 protective fund, the public health services account, the state higher  
15 education construction account, the higher education construction  
16 account, the highway bond retirement fund, the highway infrastructure  
17 account, the highway safety fund, the hospital safety net assessment  
18 fund, the industrial insurance premium refund account, the Interstate  
19 405 and state route number 167 express toll lanes account, the  
20 judges' retirement account, the judicial retirement administrative  
21 account, the judicial retirement principal account, the local  
22 leasehold excise tax account, the local real estate excise tax  
23 account, the local sales and use tax account, the marine resources  
24 stewardship trust account, the medical aid account, the mobile home  
25 park relocation fund, the money-purchase retirement savings  
26 administrative account, the money-purchase retirement savings  
27 principal account, the motor vehicle fund, the motorcycle safety  
28 education account, the multimodal transportation account, the  
29 multiuse roadway safety account, the municipal criminal justice  
30 assistance account, the natural resources deposit account, the oyster  
31 reserve land account, the pension funding stabilization account, the  
32 perpetual surveillance and maintenance account, the pollution  
33 liability insurance agency underground storage tank revolving  
34 account, the public employees' retirement system plan 1 account, the  
35 public employees' retirement system combined plan 2 and plan 3  
36 account, the public facilities construction loan revolving account  
37 beginning July 1, 2004, the public health supplemental account, the  
38 public works assistance account, the Puget Sound capital construction  
39 account, the Puget Sound ferry operations account, the Puget Sound  
40 Gateway facility account, the Puget Sound taxpayer accountability

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

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

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

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

20 NEW SECTION. **Sec. 12.** Sections 1 through 10 and 13 of this act  
21 constitute a new chapter in Title 74 RCW.

22 NEW SECTION. **Sec. 13.** This act expires July 1, 2024.

23 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of  
25 the state government and its existing public institutions, and takes  
26 effect immediately.

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