

SSB 6350 - H COMM AMD  
By Committee on Ways & Means

ADOPTED 03/04/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Native American tribes have depended on the state's marine  
5 waters and its resources for countless generations and continue to do  
6 so for cultural, spiritual, economic, and subsistence purposes.

7 (b) The state has long demonstrated a strong commitment to  
8 protecting the state's marine waters, which are abundant in natural  
9 resources, contain a treasure of biological diversity, and are a source  
10 of multiple uses by the public supporting the economies of nearby  
11 communities as well as the entire state. These multiple uses include,  
12 but are not limited to: Marine-based industries and activities such as  
13 cargo, fuel, and passenger transportation; commercial, recreational,  
14 and tribal fishing; shellfish aquaculture; telecommunications and  
15 energy infrastructure; seafood processing; tourism; scientific  
16 research; and many related goods and services. These multiple uses as  
17 well as new emerging uses, such as renewable ocean energy, constitute  
18 a management challenge for sustaining resources and coordinating state  
19 decision making in a proactive, comprehensive and ecosystem-based  
20 manner.

21 (c) Washington's marine waters are part of a west coast-wide large  
22 marine ecosystem known as the California current, and the Puget Sound  
23 and Columbia river estuaries constitute two of the three largest  
24 estuaries that are part of this large marine ecosystem. Puget Sound  
25 and the Columbia river are estuaries of national significance under the  
26 national estuary program, and the outer coast includes the Olympic  
27 national marine sanctuary.

28 (d) Washington is working in cooperation with the states of Oregon  
29 and California and federal agencies on ocean and ocean health  
30 management issues through the west coast governors' agreement on ocean

1 health, and with the government of British Columbia on shared waters  
2 management issues through the British Columbia-Washington coastal and  
3 ocean task force.

4 (e) Washington has initiated comprehensive management programs to  
5 protect and promote compatible uses of these waters. These include:  
6 The development of a comprehensive ecosystem-based management plan  
7 known as the Puget Sound action agenda; shoreline plans for shorelines  
8 around the state; management plans for state-owned aquatic lands and  
9 their associated waters statewide; and watershed and salmon recovery  
10 management plans in the upland areas of Puget Sound, the coast, and the  
11 Columbia river. Data and data management tools have also been  
12 developed to support these management and planning activities, such as  
13 the coastal atlas managed by the department of ecology and the shore  
14 zone database managed by the department of natural resources.

15 (f) For marine waters specifically, Washington has formed several  
16 mechanisms to improve coordination and management. A legislatively  
17 authorized task force formed by the governor identified priority  
18 recommendations for improving state management of ocean resources  
19 through Washington's ocean action plan in 2006. The governor further  
20 formed an ongoing interagency team that assists the department of  
21 ecology in implementing these recommendations. There is an extensive  
22 network of marine resources committees within Puget Sound and on the  
23 outer coast and the Columbia river to promote and support local  
24 involvement identifying and conducting local priority marine projects  
25 and some have been involved in local planning and management. Through  
26 the Olympic coast intergovernmental policy council, the state has also  
27 formalized its working relationship with coastal tribes and the federal  
28 government in the management of the Olympic coast national marine  
29 sanctuary.

30 (g) Reports by the United States commission on oceans policy, the  
31 Pew oceans commission, and the joint oceans commission initiative  
32 recommend the adoption of a national ocean policy under which states  
33 and coastal communities would have a principal role in developing and  
34 implementing ecosystem-based management of marine waters. Acting on  
35 these recommendations, the president of the United States recently  
36 formed an interagency ocean policy task force charged with developing  
37 a national ocean policy and a framework for marine spatial planning  
38 that involves all governmental levels, including state, tribal, and

1 local governments. To further develop and implement such a planning  
2 framework, it is anticipated that federal cooperation and support will  
3 be available to coastal states that are engaged in marine and coastal  
4 resource management and planning, including marine spatial planning.

5 (2) The purpose of this chapter is to build upon existing statewide  
6 Puget Sound, coastal, and Columbia river efforts. When resources  
7 become available, the state intends to augment the marine spatial  
8 component of existing plans and to improve the coordination among state  
9 agencies in the development and implementation of marine management  
10 plans.

11 (3) It is also the purpose of this chapter to establish policies to  
12 guide state agencies and local governments when exercising jurisdiction  
13 over proposed uses and activities in these waters. Specifically, in  
14 conducting marine spatial planning, and in augmenting existing marine  
15 management plans with marine spatial planning components, the state  
16 must:

17 (a) Continue to recognize the rights of native American tribes  
18 regarding marine natural resources;

19 (b) Base all planning on best available science. This includes  
20 identifying gaps in existing information, recommend a strategy for  
21 acquiring science needed to strengthen marine spatial plans, and create  
22 a process to adjust plans once additional scientific information is  
23 available;

24 (c) Coordinate with all stakeholders, including marine resources  
25 committees and nongovernmental organizations, that are significantly  
26 involved in the collection of scientific information, ecosystem  
27 protection and restoration, or other activities related to marine  
28 spatial planning;

29 (d) Recognize that marine ecosystems span tribal, state, and  
30 international boundaries and that planning has to be coordinated with  
31 all entities with jurisdiction or authority in order to be effective;

32 (e) Establish or further promote an ecosystem-based management  
33 approach including linking marine spatial plans to adjacent nearshore  
34 and upland spatial or ecosystem-based plans;

35 (f) Ensure that all marine spatial plans are linked to measurable  
36 environmental outcomes;

37 (g) Establish a performance management system to monitor  
38 implementation of any new marine spatial plan;

1 (h) Establish an ocean stewardship policy that takes into account  
2 the existing natural, social, cultural, historic, and economic uses;

3 (i) Recognize that commercial, tribal, and recreational fisheries,  
4 and shellfish aquaculture are an integral part of our state's culture  
5 and contribute substantial economic benefits;

6 (j) Value biodiversity and ecosystem health, and protect special,  
7 sensitive, or unique estuarine and marine life and habitats, including  
8 important spawning, rearing, and migration areas for finfish, marine  
9 mammals, and productive shellfish habitats;

10 (k) Integrate this planning with existing plans and ongoing  
11 planning in the same marine waters and provide additional mechanisms  
12 for improving coordination and aligning management;

13 (l) Promote recovery of listed species under state and federal  
14 endangered species acts plans pursuant to those plans; and

15 (m) Fulfill the state's public trust and tribal treaty trust  
16 responsibilities in managing the state's ocean waters in a sustainable  
17 manner for current and future generations.

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

20 (1) "Aquatic lands" includes all tidelands, shorelands, harbor  
21 areas, and the beds of navigable waters, and must be construed to be  
22 coextensive with the term "aquatic lands" as defined in RCW 79.105.060.

23 (2) "Exclusive economic zone waters" means marine waters from the  
24 offshore state boundary to the boundary of the exclusive economic zone,  
25 over which the United States government has primary jurisdiction.

26 (3) "Marine counties" includes Clallam, Jefferson, Grays Harbor,  
27 Wahkiakum, San Juan, Whatcom, Skagit, Island, Snohomish, King, Pierce,  
28 Thurston, Mason, Kitsap, and Pacific counties.

29 (4) "Marine ecosystem" means the physical, biological, and chemical  
30 components and processes and their interactions in marine waters and  
31 aquatic lands, including humans.

32 (5) "Marine interagency team" or "team" means the marine  
33 interagency team created under section 3 of this act.

34 (6) "Marine management plan" and "marine waters management plan"  
35 means any plan guiding activities on and uses of the state's marine  
36 waters, and may include a marine spatial plan or element.

1 (7) "Marine resources committees" means those committees organized  
2 under RCW 36.125.020 or by counties within the Northwest straits marine  
3 conservation initiative.

4 (8) "Marine spatial planning" means a public process of analyzing  
5 and allocating the spatial and temporal distribution of human  
6 activities in marine areas to achieve ecological, economic, and social  
7 objectives. Often this type of planning is done to reduce conflicts  
8 among uses, to reduce environmental impacts, to facilitate compatible  
9 uses, to align management decisions, and to meet other objectives  
10 determined by the planning process.

11 (9) "Marine waters" means aquatic lands and waters under tidal  
12 influence, including saltwaters and estuaries to the ordinary high  
13 water mark lying within the boundaries of the state. This definition  
14 also includes the portion of the Columbia river bordering Pacific and  
15 Wahkiakum counties, Willapa Bay, Grays Harbor, the Strait of Juan de  
16 Fuca, and the entire Puget Sound.

17 NEW SECTION. **Sec. 3.** (1) The office of the governor shall chair  
18 a marine interagency team that is composed of representatives of each  
19 of the agencies in the governor's natural resources cabinet with  
20 management responsibilities for marine waters, including the  
21 independent agencies. A representative from a federal agency with lead  
22 responsibility for marine spatial planning must be invited to serve as  
23 a liaison to the team to help ensure consistency with federal actions  
24 and policy. The team must conduct the assessment authorized in section  
25 4 of this act, assist state agencies under section 5 of this act with  
26 the review and coordination of such planning with their existing and  
27 ongoing planning, and conduct the marine management planning authorized  
28 in section 6 of this act.

29 (2) The team may not commence any activities authorized under  
30 sections 5 and 6 of this act until federal, private, or other nonstate  
31 funding is secured specifically for these activities.

32 NEW SECTION. **Sec. 4.** (1) The marine interagency team created in  
33 section 3 of this act must assess and recommend a framework for  
34 conducting marine spatial planning and integrating the planning into  
35 existing management plans. The assessment must include, but not be  
36 limited to, recommendations for:

1 (a) Including a marine spatial component into the Puget Sound  
2 action agenda;

3 (b) Integrating marine spatial planning into management efforts for  
4 the Columbia river estuary, working with the state of Oregon; and

5 (c) Developing a marine management plan containing a marine spatial  
6 component for the outer coast, to be incorporated within the  
7 comprehensive marine management plan authorized under section 6 of this  
8 act.

9 (2) The assessment authorized under subsection (1) of this section  
10 must also:

11 (a) Summarize existing goals and objectives for: Plans in Puget  
12 Sound, the Columbia river estuary, and the outer coast, including the  
13 Puget Sound action agenda; shoreline plans for shorelines around the  
14 state; management plans for state-owned aquatic lands and their  
15 associated waters statewide; and watershed and salmon recovery  
16 management plans;

17 (b) Develop recommended goals and objectives for marine spatial  
18 planning that integrate with existing policies and regulations, and  
19 recommend a schedule to develop marine ecosystem health indicators,  
20 considering the views and recommendations of affected stakeholders and  
21 governmental agencies;

22 (c) Summarize how the existing goals and objectives as well as  
23 recommended goals and objectives are consistent or inconsistent with  
24 those adopted by other states for the west coast large marine  
25 ecosystem, and with those goals and objectives articulated in relevant  
26 national oceans policies and the national framework for marine spatial  
27 planning;

28 (d) Identify the existing management activities and spatial data  
29 related to these priorities and objectives and the key needs for  
30 incorporating marine spatial planning into existing statewide plans;  
31 and

32 (e) Provide recommendations on achieving a unified approach to  
33 database management and delivery that would support marine spatial  
34 planning throughout the state.

35 (3) The results of this assessment must be provided to the  
36 appropriate legislative committees by December 15, 2010.

37 (4) This section expires June 30, 2011.

1        NEW SECTION.    **Sec. 5.**    (1) Concurrently or prior to the assessment  
2 and planning activities provided in sections 4 and 6 of this act, and  
3 subject to available federal, private, or other nonstate funding for  
4 this purpose, all state agencies with marine waters planning and  
5 management responsibilities are authorized to include marine spatial  
6 data and marine spatial planning elements into their existing plans and  
7 ongoing planning.

8        (2) The director of the Puget Sound partnership under the direction  
9 of the leadership council created in RCW 90.71.220 must integrate  
10 marine spatial information and planning provisions into the action  
11 agenda. The information should be used to address gaps or improve the  
12 effectiveness of the spatial planning component of the action agenda,  
13 such as in addressing potential new uses such as renewable energy  
14 projects.

15        (3) The governor and the commissioner of public lands, working with  
16 appropriate marine management and planning agencies, should work  
17 cooperatively with the applicable west coast states, Canadian  
18 provinces, and with federal agencies, through existing cooperative  
19 entities such as the west coast governor's agreement on ocean health,  
20 the coastal and oceans task force, the Pacific coast collaborative, the  
21 Puget Sound federal caucus, and the United States and Canada  
22 cooperative agreement working group, to explore the benefits of  
23 developing joint marine spatial plans or planning frameworks in the  
24 shared waters of the Salish Sea, the Columbia river estuary, and in the  
25 exclusive economic zone waters. The governor and commissioner may  
26 approve the adoption of shared marine spatial plans or planning  
27 frameworks where they determine it would further policies of this  
28 chapter and chapter 43.143 RCW.

29        (4) On an ongoing basis, the director of the department of ecology  
30 shall work with other state agencies with marine management  
31 responsibilities, tribal governments, marine resources committees,  
32 local and federal agencies, and marine waters stakeholders to compile  
33 marine spatial information and to incorporate this information into  
34 ongoing plans. This work may be integrated with the comprehensive  
35 marine management plan authorized under section 6 of this act when that  
36 planning process is initiated.

37        (5) All actions taken to implement this section must be consistent  
38 with section 8 of this act.

1        NEW SECTION.    **Sec. 6.**    (1) Upon the receipt of federal, private, or  
2 other nonstate funding for this purpose, together with any required  
3 match of state funding that may be specifically provided for this  
4 purpose, the marine interagency team shall coordinate the development  
5 of a comprehensive marine management plan for the state's marine  
6 waters.    The marine management plan must include marine spatial  
7 planning, as well as recommendations to the appropriate federal  
8 agencies regarding the exclusive economic zone waters.    The plan may be  
9 developed in geographic segments, and may incorporate or be developed  
10 as an element of existing marine plans, such as the Puget Sound action  
11 agenda.    The chair of the team may designate a state agency with marine  
12 management responsibilities to take the lead in developing and  
13 recommending to the team particular segments or elements of the  
14 comprehensive marine management plan.

15        (2) The marine management plan must be developed and implemented in  
16 a manner that:

17        (a) Recognizes and respects existing uses and tribal treaty rights;

18        (b) Promotes protection and restoration of ecosystem processes to  
19 a level that will enable long-term sustainable production of ecosystem  
20 goods and services;

21        (c) Addresses potential impacts of climate change and sea level  
22 rise upon current and projected marine waters uses and shoreline and  
23 coastal impacts;

24        (d) Fosters and encourages sustainable uses that provide economic  
25 opportunity without significant adverse environmental impacts;

26        (e) Preserves and enhances public access;

27        (f) Protects and encourages working waterfronts and supports the  
28 infrastructure necessary to sustain marine industry, commercial  
29 shipping, shellfish aquaculture, and other water-dependent uses;

30        (g) Fosters public participation in decision making and significant  
31 involvement of communities adjacent to the state's marine waters; and

32        (h) Integrates existing management plans and authorities and makes  
33 recommendations for aligning plans to the extent practicable.

34        (3) To ensure the effective stewardship of the state's marine  
35 waters held in trust for the benefit of the people, the marine  
36 management plan must rely upon existing data and resources, but also  
37 identify data gaps and, as possible, procure missing data necessary for  
38 planning.



1 (4) The marine management plan must include but not be limited to:

2 (a) An ecosystem assessment that analyzes the health and status of  
3 Washington marine waters including key social, economic, and ecological  
4 characteristics and incorporates the best available scientific  
5 information, including relevant marine data. This assessment should  
6 seek to identify key threats to plan goals, analyze risk and management  
7 scenarios, and develop key ecosystem indicators. In addition, the plan  
8 should incorporate existing adaptive management strategies underway by  
9 local, state, or federal entities and provide an adaptive management  
10 element to incorporate new information and consider revisions to the  
11 plan based upon research, monitoring, and evaluation;

12 (b) Using and relying upon existing plans and processes and  
13 additional management measures to guide decisions among uses proposed  
14 for specific geographic areas of the state's marine and estuarine  
15 waters consistent with applicable state laws and programs that control  
16 or address developments in the state's marine waters;

17 (c) A series of maps that, at a minimum, summarize available data  
18 on: The key ecological aspects of the marine ecosystem, including  
19 physical and biological characteristics, as well as areas that are  
20 environmentally sensitive or contain unique or sensitive species or  
21 biological communities that must be conserved and warrant protective  
22 measures; human uses of marine waters, particularly areas with high  
23 value for fishing, shellfish aquaculture, recreation, and maritime  
24 commerce; and appropriate locations with high potential for renewable  
25 energy production with minimal potential for conflicts with other  
26 existing uses or sensitive environments;

27 (d) An element that sets forth the state's recommendations to the  
28 federal government for use priorities and limitations, siting criteria,  
29 and protection of unique and sensitive biota and ocean floor features  
30 within the exclusive economic zone waters consistent with the policies  
31 and management criteria contained in this chapter and chapter 43.143  
32 RCW;

33 (e) An implementation strategy describing how the plan's management  
34 measures and other provisions will be considered and implemented  
35 through existing state and local authorities; and

36 (f) A framework for coordinating state agency and local government  
37 review of proposed renewable energy development uses requiring multiple  
38 permits and other approvals that provide for the timely review and

1 action upon renewable energy development proposals while ensuring  
2 protection of sensitive resources and minimizing impacts to other  
3 existing or projected uses in the area.

4 (5) If the director of the department of fish and wildlife  
5 determines that a fisheries management element is appropriate for  
6 inclusion in the marine management plan, this element may include the  
7 incorporation of existing management plans and procedures and standards  
8 for consideration in adopting and revising fisheries management plans  
9 in cooperation with the appropriate federal agencies and tribal  
10 governments.

11 (6) Any provision of the marine management plan that does not have  
12 as its primary purpose the management of commercial or recreational  
13 fishing but that has an impact on this fishing must minimize the  
14 negative impacts on the fishing. The team must accord substantial  
15 weight to recommendations from the director of the department of fish  
16 and wildlife for plan revisions to minimize the negative impacts.

17 (7) The marine management plan must recognize and value existing  
18 uses. All actions taken to implement this section must be consistent  
19 with section 8 of this act.

20 (8) The marine management plan must identify any provisions of  
21 existing management plans that are substantially inconsistent with the  
22 plan.

23 (9)(a) In developing the marine management plan, the team shall  
24 implement a strong public participation strategy that seeks input from  
25 throughout the state and particularly from communities adjacent to  
26 marine waters. Public review and comment must be sought and  
27 incorporated with regard to planning the scope of work as well as in  
28 regard to significant drafts of the plan and plan elements.

29 (b) The team must engage tribes and marine resources committees in  
30 its activities throughout the planning process. In particular, prior  
31 to finalizing the plan, the team must provide each tribe and marine  
32 resources committee with a draft of the plan and invite them to review  
33 and comment on the plan.

34 (10) The team must complete the plan within twenty-four months of  
35 the initiation of planning under this section.

36 (11) The director of the department of ecology shall submit the  
37 completed marine management plan to the appropriate federal agency for

1 its review and approval for incorporation into the state's federally  
2 approved coastal zone management program.

3 (12) Subsequent to the adoption of the marine management plan, the  
4 team may periodically review and adopt revisions to the plan to  
5 incorporate new information and to recognize and incorporate provisions  
6 in other marine management plans. The team must afford the public an  
7 opportunity to review and comment upon significant proposed revisions  
8 to the marine management plan.

9 NEW SECTION. **Sec. 7.** (1) Upon the adoption of the marine  
10 management plan under section 6 of this act, each state agency and  
11 local government must make decisions in a manner that ensures  
12 consistency with applicable legal authorities and conformance with the  
13 applicable provisions of the marine management plan to the greatest  
14 extent possible.

15 (2) The director of the department of ecology, in coordination with  
16 the team, shall periodically review existing management plans  
17 maintained by state agencies and local governments that cover the same  
18 marine waters as the marine management plan under section 6 of this  
19 act, and for any substantial inconsistency with the marine management  
20 plan the director shall make recommendations to the agency or to the  
21 local government for revisions to eliminate the inconsistency.

22 (3) Not later than four years following adoption of the marine  
23 management plan under section 6 of this act, the department of ecology,  
24 in coordination with the team, shall report to the appropriate marine  
25 waters committees in the senate and house of representatives describing  
26 provisions of existing management plans that are substantially  
27 inconsistent with the marine management plan under section 6 of this  
28 act, and making recommendations for eliminating the inconsistency.

29 (4) All actions taken to implement this section must be consistent  
30 with section 8 of this act. In the event of a conflict between the  
31 marine management plan and local ordinances and regulations, local  
32 ordinances and regulations shall control.

33 NEW SECTION. **Sec. 8.** No authority is created under this chapter  
34 to affect in any way any project, use, or activity in the state's  
35 marine waters existing prior to or during the development and review of

1 the marine management plan. No authority is created under this chapter  
2 to supersede the current authority of any state agency or local  
3 government.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.21F RCW  
5 to read as follows:

6 (1) In addition to the duties prescribed in RCW 43.21F.045, the  
7 department must develop guidance applicable to all state agencies for  
8 achieving a unified state position upon matters involving the siting  
9 and operation of renewable energy facilities in the state's coastal and  
10 estuarine marine waters. The guidance must provide procedures for  
11 coordinating the views and responsibilities of any state agency with  
12 jurisdiction or expertise over the matter under consideration, which  
13 may include federal policy proposals, activities, permits, licenses, or  
14 the extension of funding for activities in or affecting the state's  
15 marine waters. In developing the guidance, the director must consult  
16 with agencies with primary responsibilities for permitting and  
17 management of marine waters and bedlands, including the departments of  
18 natural resources, ecology, transportation, and fish and wildlife, and  
19 the state parks and recreation commission, the Puget Sound partnership,  
20 and the energy facility site evaluation council. The director must  
21 also consult and incorporate relevant information from the regional  
22 activities related to renewable energy siting in marine waters,  
23 including those under the west coast governors' agreement on ocean  
24 health.

25 (2) The director may not commence development of the guidance until  
26 federal, private, or other nonstate funding is secured for this  
27 activity. The director must adopt the guidance within one year of  
28 securing such funds.

29 (3) This section is intended to promote consistency and multiple  
30 agency coordination in developing positions and exercising jurisdiction  
31 in matters involving the siting and operation of renewable energy  
32 facilities and does not diminish or abrogate the authority or  
33 jurisdiction of any state agency over such matters established under  
34 any other law.

35 NEW SECTION. **Sec. 10.** (1) The marine resources stewardship trust  
36 account is created in the state treasury. All receipts from income

1 derived from the investment of amounts credited to the account, any  
2 grants, gifts, or donations to the state for the purposes of marine  
3 management planning, marine spatial planning, data compilation,  
4 research, or monitoring, and any appropriations made to the account  
5 must be deposited in the account. Moneys in the account may be spent  
6 only after appropriation.

7 (2) Expenditures from the account may only be used for the purposes  
8 of marine management planning, marine spatial planning, research,  
9 monitoring, implementation of the marine management plan, and for the  
10 restoration or enhancement of marine habitat or resources.

11 **Sec. 11.** RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and  
12 2009 c 451 s 8 are each reenacted and amended to read as follows:

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

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

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

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

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

7 The following accounts and funds shall receive their proportionate  
8 share of earnings based upon each account's and fund's average daily  
9 balance for the period: The aeronautics account, the aircraft search  
10 and rescue account, the budget stabilization account, the capitol  
11 building construction account, the Cedar River channel construction and  
12 operation account, the Central Washington University capital projects  
13 account, the charitable, educational, penal and reformatory  
14 institutions account, the cleanup settlement account, the Columbia  
15 river basin water supply development account, the common school  
16 construction fund, the county arterial preservation account, the county  
17 criminal justice assistance account, the county sales and use tax  
18 equalization account, the data processing building construction  
19 account, the deferred compensation administrative account, the deferred  
20 compensation principal account, the department of licensing services  
21 account, the department of retirement systems expense account, the  
22 developmental disabilities community trust account, the drinking water  
23 assistance account, the drinking water assistance administrative  
24 account, the drinking water assistance repayment account, the Eastern  
25 Washington University capital projects account, the education  
26 construction fund, the education legacy trust account, the election  
27 account, the energy freedom account, the energy recovery act account,  
28 the essential rail assistance account, The Evergreen State College  
29 capital projects account, the federal forest revolving account, the  
30 ferry bond retirement fund, the freight congestion relief account, the  
31 freight mobility investment account, the freight mobility multimodal  
32 account, the grade crossing protective fund, the public health services  
33 account, the health system capacity account, the personal health  
34 services account, the high capacity transportation account, the state  
35 higher education construction account, the higher education  
36 construction account, the highway bond retirement fund, the highway  
37 infrastructure account, the highway safety account, the high occupancy  
38 toll lanes operations account, the industrial insurance premium refund

1 account, the judges' retirement account, the judicial retirement  
2 administrative account, the judicial retirement principal account, the  
3 local leasehold excise tax account, the local real estate excise tax  
4 account, the local sales and use tax account, the marine resources  
5 stewardship trust account, the medical aid account, the mobile home  
6 park relocation fund, the motor vehicle fund, the motorcycle safety  
7 education account, the multimodal transportation account, the municipal  
8 criminal justice assistance account, the municipal sales and use tax  
9 equalization account, the natural resources deposit account, the oyster  
10 reserve land account, the pension funding stabilization account, the  
11 perpetual surveillance and maintenance account, the public employees'  
12 retirement system plan 1 account, the public employees' retirement  
13 system combined plan 2 and plan 3 account, the public facilities  
14 construction loan revolving account beginning July 1, 2004, the public  
15 health supplemental account, the public transportation systems account,  
16 the public works assistance account, the Puget Sound capital  
17 construction account, the Puget Sound ferry operations account, the  
18 Puyallup tribal settlement account, the real estate appraiser  
19 commission account, the recreational vehicle account, the regional  
20 mobility grant program account, the resource management cost account,  
21 the rural arterial trust account, the rural Washington loan fund, the  
22 site closure account, the small city pavement and sidewalk account, the  
23 special category C account, the special wildlife account, the state  
24 employees' insurance account, the state employees' insurance reserve  
25 account, the state investment board expense account, the state  
26 investment board commingled trust fund accounts, the state patrol  
27 highway account, the state route number 520 corridor account, the  
28 supplemental pension account, the Tacoma Narrows toll bridge account,  
29 the teachers' retirement system plan 1 account, the teachers'  
30 retirement system combined plan 2 and plan 3 account, the tobacco  
31 prevention and control account, the tobacco settlement account, the  
32 transportation 2003 account (nickel account), the transportation  
33 equipment fund, the transportation fund, the transportation improvement  
34 account, the transportation improvement board bond retirement account,  
35 the transportation infrastructure account, the transportation  
36 partnership account, the traumatic brain injury account, the tuition  
37 recovery trust fund, the University of Washington bond retirement fund,  
38 the University of Washington building account, the urban arterial trust

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

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

24 NEW SECTION. **Sec. 12.** Sections 1 through 8 and 10 of this act  
25 constitute a new chapter in Title 43 RCW."

26 Correct the title.

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