1 AN ACT Relating to marine waters planning and management, including
2 marine spatial planning; reenacting and amending RCW 43.84.092; adding
3 a new section to chapter 43.21F RCW; adding a new chapter to Title 43
4 RCW; and providing an expiration date.

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

6 NEW SECTION. Sec. 1. (1) The legislature finds that:
7 (a) Native American tribes have depended on the state's marine
8 waters and its resources for countless generations and continue to do
9 so for cultural, spiritual, economic, and subsistence purposes.
10 (b) The state has long demonstrated a strong commitment to
11 protecting the state's marine waters, which are abundant in natural
12 resources, contain a treasure of biological diversity, and are a source
13 of multiple uses by the public supporting the economies of nearby
14 communities as well as the entire state, including: Marine-based
15 industries and activities such as cargo, fuel, and passenger
16 transportation; commercial, recreational, and tribal fishing;
17 aquaculture; seafood processing; tourism; scientific research; and many
18 related goods and services. These multiple uses as well as new
emerging uses, such as renewable ocean energy, constitute a management challenge for sustaining resources and coordinating state decision making in a proactive, comprehensive and ecosystem-based manner.

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

(d) Washington is working in cooperation with the states of Oregon and California and federal agencies on ocean and ocean health management issues through the west coast governors' agreement on ocean health, and with the government of British Columbia on shared waters management issues through the British Columbia-Washington coastal and ocean task force.

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

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

(g) Reports by the United States commission on oceans policy, the
Pew oceans commission, and the joint oceans commission initiative
recommend the adoption of a national ocean policy under which states
and coastal communities would have a principal role in developing and
implementing ecosystem-based management of marine waters. Acting on
these recommendations, the president of the United States recently
formed an interagency task force charged with developing a national
ocean policy and a framework for marine spatial planning that involves
all governmental levels, including state, tribal, and local
governments. To further develop and implement such a planning
framework, it is anticipated that federal cooperation and support will
be available to coastal states that are engaged in marine and coastal
resource management and planning, including marine spatial planning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Aquatic lands habitat conservation plan" means a legally
binding plan developed by the department of natural resources and agreed to by the appropriate federal agencies, to protect the habitat of threatened and endangered species on state-owned aquatic lands.

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

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

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

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

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

(8) "Marine resources committees" means those committees organized by coastal local governments under RCW 36.125.020.

(9) "Marine spatial planning" means a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives. Often this type of planning is done to reduce conflicts among uses, to reduce environmental impacts, to facilitate compatible uses, to align management decisions, and to meet other objectives determined by the planning process. Marine spatial planning ensures environmental protection and facilitates uses that do no harm to the environment.

(10) "Marine waters" means aquatic lands and waters under tidal influence, including saltwaters and estuaries to the ordinary high water mark lying within the boundaries of the state. This definition also includes the Columbia river estuary to the extent of tidal influence.

(11) "Outer coast" has the same meaning as the term "coastal waters" as defined in RCW 43.143.020.

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

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

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

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

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

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

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

(a) Summarize existing goals and objectives for: Plans in Puget
Sound, the Columbia river estuary, and the outer coast, including the
Puget Sound action agenda; shoreline plans for shorelines around the
state; management plans for state-owned aquatic lands and their
associated waters statewide; and watershed and salmon recovery
management plans. The state aquatic lands habitat conservation plan,
once approved by the federal government, must also be included;

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

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

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

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

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

   (4) This section expires June 30, 2011.

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

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

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

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

NEW SECTION. Sec. 6. (1) Upon the receipt of federal, private, or other nonstate funding for this purpose, together with any required match of state funding that may be specifically provided for this purpose, the marine interagency team shall coordinate the development of a comprehensive marine spatial plan for the state's marine waters, including recommendations to the appropriate federal agencies regarding the exclusive economic zone waters. The plan may be developed in geographic segments, and may incorporate or be developed as an element of existing marine plans, such as the Puget Sound action agenda and the aquatic lands habitat conservation plan. The chair of the team may designate a state agency with marine management responsibilities to take the lead in developing and recommending particular segments or elements of the comprehensive marine spatial plan.

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

(a) Recognizes and respects existing uses and tribal treaty rights;
(b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;
(c) Addresses potential impacts of climate change and sea level
rise upon current and projected marine waters uses and shoreline and coastal impacts;

(d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;
(e) Preserves and enhances public access;
(f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, and other water-dependent uses;
(g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and
(h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable.

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

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

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

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

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

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

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

(f) A framework for coordinating state agency and local government review of proposed renewable energy development uses requiring multiple permits and other approvals that provide for the timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area.

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

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

(7) The marine management plan must recognize existing uses.

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

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

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

(11) The director of the department of ecology shall submit the completed marine spatial plan, or elements of such a plan not previously submitted, to the appropriate federal agency for review and incorporation into the state's federally approved coastal zone management plan.

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

NEW SECTION. Sec. 7. (1) Upon the adoption of the marine spatial plan under section 6 of this act, each state agency and local government must make decisions in a manner that ensures conformance with the applicable provisions of the marine spatial plan.

(2) The director of the department of ecology, in consultation with the department of natural resources and the Puget Sound partnership, shall periodically review existing management plans maintained by state agencies and local governments that cover the same marine waters as the marine spatial plan, and for any substantial inconsistency with the marine spatial plan the director shall make recommendations to the agency or to the local government for revisions to eliminate the inconsistency.

(3) Not later than four years following adoption of the marine spatial plan under section 6 of this act, the directors of the department of ecology and the Puget Sound partnership, jointly with the commissioner of public lands, shall report to the appropriate marine waters committees in the senate and house of representatives describing provisions of existing management plans that are substantially inconsistent with the marine spatial plan, and making recommendations for eliminating the inconsistency.
NEW SECTION. Sec. 8. No authority is created under this act to affect in any way any project, use, or activity in the state's marine waters existing prior to or during the development and review of the marine spatial plan. No authority is created under this chapter to supersede the current authority of any state agency or local government.

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

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

(2) The director must adopt the guidance by June 30, 2011.

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

NEW SECTION. Sec. 10. (1) The marine resources stewardship trust account is created in the state treasury. All receipts from income
 derived from the investment of amounts credited to the account, any
grants, gifts, or donations to the state for the purposes of marine
spatial planning, data compilation, research, or monitoring, and any
appropriations made to the account must be deposited in the account.
Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used for the purposes of
marine spatial planning, research, monitoring, and for the restoration
or enhancement of marine habitat or resources.

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

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

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

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

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the
local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the teachers' prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve
officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

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

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

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