
SENATE BILL 5164

State of Washington 59th Legislature 2005 Regular Session

By Senators Haugen, Oke, Jacobsen, Swecker, Poulsen, Spanel and Shin

Read first time 01/17/2005. Referred to Committee on Transportation.

1 AN ACT Relating to impact fees imposed by the department of
2 transportation; reenacting and amending RCW 43.79A.040; and adding a
3 new section to chapter 47.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
6 to read as follows:

7 (1) The department of transportation may impose impact fees on
8 development activity that creates additional significant demand and
9 need for transportation improvements to state highways or facilities,
10 as determined by the department.

11 (2) The impact fees:

12 (a) Shall only be imposed for state transportation improvements
13 that are reasonably related to the development activity;

14 (b) Shall not exceed a proportionate share of the costs of state
15 transportation improvements that are reasonably related to the
16 development activity; and

17 (c) Shall be used for state transportation improvements that will
18 reasonably benefit the development activity.

1 (3) The department shall adopt rules pursuant to chapter 34.05 RCW
2 regarding:

3 (a) The criteria applicable to a determination under subsection (1)
4 of this section as to whether development activity creates additional
5 significant demand and need for transportation improvements to state
6 highways or facilities;

7 (b) A formula or method for calculating the amount of impact fees
8 to be imposed on the development activity, considering (i) the type of
9 development activity subject to the fees and (ii) the proportionate
10 share of the costs of state transportation improvements that are
11 reasonably related to the development activity;

12 (c) The administration and collection of the fees;

13 (d) The provision of a credit against any other fee, local
14 improvement district assessment, or other monetary imposition made
15 specifically for the designated state transportation improvements
16 intended to be covered by the impact fees imposed under this section;

17 (e) The allowance of an adjustment to the standard impact fee at
18 the time the fee is imposed to consider unusual circumstances in
19 specific cases to ensure that impact fees are imposed fairly; and

20 (f) An administrative appeals process for the appeal of an impact
21 fee.

22 (4) Impact fees imposed under this section shall be deposited into
23 the transportation impact fee account hereby created in the custody of
24 the state treasurer. Expenditures from the account shall be used only
25 for the purpose or purposes for which the impact fees were imposed, and
26 according to the provisions under subsection (2) of this section.
27 Only the secretary of transportation or the secretary's designee may
28 authorize expenditures from the account. The account is subject to
29 allotment procedures under chapter 43.88 RCW, but an appropriation is
30 not required for expenditures.

31 **Sec. 2.** RCW 43.79A.040 and 2004 c 246 s 8 and 2004 c 58 s 10 are
32 each reenacted and amended to read as follows:

33 (1) Money in the treasurer's trust fund may be deposited, invested,
34 and reinvested by the state treasurer in accordance with RCW 43.84.080
35 in the same manner and to the same extent as if the money were in the
36 state treasury.

1 (2) All income received from investment of the treasurer's trust
2 fund shall be set aside in an account in the treasury trust fund to be
3 known as the investment income account.

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

12 (4)(a) Monthly, the state treasurer shall distribute the earnings
13 credited to the investment income account to the state general fund
14 except under (b) and (c) of this subsection.

15 (b) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's or fund's
17 average daily balance for the period: The Washington promise
18 scholarship account, the college savings program account, the
19 Washington advanced college tuition payment program account, the
20 agricultural local fund, the American Indian scholarship endowment
21 fund, the students with dependents grant account, the basic health plan
22 self-insurance reserve account, the contract harvesting revolving
23 account, the Washington state combined fund drive account, the
24 Washington international exchange scholarship endowment fund, the
25 developmental disabilities endowment trust fund, the energy account,
26 the fair fund, the fruit and vegetable inspection account, the future
27 teachers conditional scholarship account, the game farm alternative
28 account, the grain inspection revolving fund, the juvenile
29 accountability incentive account, the law enforcement officers' and
30 fire fighters' plan 2 expense fund, the local tourism promotion
31 account, the produce railcar pool account, the rural rehabilitation
32 account, the stadium and exhibition center account, the youth athletic
33 facility account, the self-insurance revolving fund, the sulfur dioxide
34 abatement account, the children's trust fund, the Washington horse
35 racing commission Washington bred owners' bonus fund account, the
36 Washington horse racing commission class C purse fund account, ~~((and))~~
37 the Washington horse racing commission operating account (earnings from
38 the Washington horse racing commission operating account must be

1 credited to the Washington horse racing commission class C purse fund
2 account), and the transportation impact fee account. However, the
3 earnings to be distributed shall first be reduced by the allocation to
4 the state treasurer's service fund pursuant to RCW 43.08.190.

5 (c) The following accounts and funds shall receive eighty percent
6 of their proportionate share of earnings based upon each account's or
7 fund's average daily balance for the period: The advanced right of way
8 revolving fund, the advanced environmental mitigation revolving
9 account, the city and county advance right-of-way revolving fund, the
10 federal narcotics asset forfeitures account, the high occupancy vehicle
11 account, the local rail service assistance account, and the
12 miscellaneous transportation programs account.

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

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