
SENATE BILL 5902

State of Washington

66th Legislature

2019 Regular Session

By Senators Hunt, Zeiger, Takko, and Honeyford; by request of Secretary of State

1 AN ACT Relating to providing funding for the Washington state
2 library-archives building and operations of library and archives
3 facilities; amending RCW 36.18.010, 36.22.175, 36.22.175, 43.07.128,
4 43.07.129, and 43.07.370; reenacting and amending RCW 43.79A.040;
5 adding a new section to chapter 43.07 RCW; creating new sections;
6 providing an effective date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the current
9 facilities housing the Washington state archives, Washington state
10 library, Washington state corporations and charities office, and the
11 state elections office is in need of modernization and update. This
12 is due to these vital programs being housed in obsolete and crowded
13 facilities that do not meet modern standards for the functions
14 performed in each.

15 It is the intent of the secretary of state and the legislature to
16 preserve and protect the state's vital records and collections,
17 provide convenient service to the public, be excellent stewards of
18 state funds, and house staff and collections in a state of the art,
19 energy efficient building owned and operated by the office of the
20 secretary of state. This will be accomplished by creating a new
21 building funded by a certificate of participation. Certificate of

1 participation debt will be serviced by existing rents, existing fees,
2 and a new fee on documents recorded at county recording offices.

3 This building, to be known as the library-archives building, will
4 replace the existing state archives, the existing leased library
5 location, the existing leased elections office, and the corporations
6 and charities building on Capitol Way in addition to consolidating
7 other archival structures. The consolidation of facilities will
8 create efficiency under RCW 43.82.010(6) and convenience for
9 customers with the eventual goal of housing all functions of the
10 various divisions of the office of the secretary of state free of
11 ongoing rent after payment of the certificate of participation debt.

12 NEW SECTION. **Sec. 2.** (1) The secretary of state shall enter
13 into a financing contract (certificate of participation) for up to
14 one hundred eight million dollars, plus financing expenses, less
15 current and previous appropriations and required reserves pursuant to
16 RCW 39.94.050, to construct the library-archives building in the city
17 of Tumwater, Washington, for the state library, archives, and other
18 divisions of the secretary of state's office in Tumwater, Washington,
19 at 7370 Linderson Way. The building must be delivered using a general
20 contractor/construction manager, as defined in RCW 39.10.210, with a
21 guarantee for energy, operations, and maintenance performance.

22 (2) All omnibus capital appropriations act expenses relating to
23 the library-archives project, less current and previous
24 appropriations, must be financed with a certificate of participation
25 or other financing method fully supported using fees and other
26 revenue collected by the secretary of state. The secretary of state
27 may consider the adjustment of fees, including the library operations
28 account, and the library-archives building account, to support
29 construction and future operating costs.

30 (3) The secretary of state's office shall oversee design and
31 construction of the facility and own and operate the library-archives
32 building. The secretary of state's office is authorized to enter into
33 a long-term land lease from the port of Olympia for a period of up to
34 seventy-five years. To comply with the provisions of this section,
35 this project is exempt from the provisions of RCW 43.82.010.

36 (4) The director of enterprise services will delegate any and all
37 functions under RCW 43.19.450 (1) and (3) to the secretary of state's
38 office for the duration of the life of this project and completed
39 facility.

1 (5) Original furniture and fixtures from the capitol campus
2 currently not in use elsewhere may be transferred for use in the
3 library-archives building. Furniture and fixtures currently in use by
4 secretary of state divisions planned for the new facility that are
5 part of the capitol campus original furnishings may be utilized for
6 the new facility but must be returned to the capitol furnishings
7 committee if not needed.

8 **Sec. 3.** RCW 36.18.010 and 2015 3rd sp.s. c 28 s 1 are each
9 amended to read as follows:

10 County auditors or recording officers shall collect the following
11 fees for their official services:

12 (1) For recording instruments, for the first page eight and one-
13 half by fourteen inches or less, five dollars; for each additional
14 page eight and one-half by fourteen inches or less, one dollar. The
15 fee for recording multiple transactions contained in one instrument
16 will be calculated for each transaction requiring separate indexing
17 as required under RCW 65.04.050 as follows: The fee for each title or
18 transaction is the same fee as the first page of any additional
19 recorded document; the fee for additional pages is the same fee as
20 for any additional pages for any recorded document; the fee for the
21 additional pages may be collected only once and may not be collected
22 for each title or transaction;

23 (2) For preparing and certifying copies, for the first page eight
24 and one-half by fourteen inches or less, three dollars; for each
25 additional page eight and one-half by fourteen inches or less, one
26 dollar;

27 (3) For preparing noncertified copies, for each page eight and
28 one-half by fourteen inches or less, one dollar;

29 (4) For administering an oath or taking an affidavit, with or
30 without seal, two dollars;

31 (5) For issuing a marriage license, eight dollars, (this fee
32 includes taking necessary affidavits, filing returns, indexing, and
33 transmittal of a record of the marriage to the state registrar of
34 vital statistics) plus an additional five dollar fee for use and
35 support of the prevention of child abuse and neglect activities to be
36 transmitted monthly to the state treasurer and deposited in the state
37 general fund plus an additional ten dollar fee to be transmitted
38 monthly to the state treasurer and deposited in the state general
39 fund. The legislature intends to appropriate an amount at least equal

1 to the revenue generated by this fee for the purposes of the
2 displaced homemaker act, chapter 28B.04 RCW;

3 (6) For searching records per hour, eight dollars;

4 (7) For recording plats, fifty cents for each lot except cemetery
5 plats for which the charge shall be twenty-five cents per lot; also
6 one dollar for each acknowledgment, dedication, and description:
7 PROVIDED, That there shall be a minimum fee of twenty-five dollars
8 per plat;

9 (8) For recording of miscellaneous records not listed above, for
10 the first page eight and one-half by fourteen inches or less, five
11 dollars; for each additional page eight and one-half by fourteen
12 inches or less, one dollar;

13 (9) For modernization and improvement of the recording and
14 indexing system, a surcharge as provided in RCW 36.22.170;

15 (10) For recording an emergency nonstandard document as provided
16 in RCW 65.04.047, fifty dollars, in addition to all other applicable
17 recording fees;

18 (11) For recording instruments, a three dollar surcharge to be
19 deposited into the Washington state (~~heritage center~~) library
20 operations account created in RCW 43.07.129;

21 (12) For recording instruments, a two dollar surcharge to be
22 deposited into the Washington state library-archives building account
23 created in section 9 of this act until the certificate of
24 participation described in section 2 of this act is paid in full;

25 (13) For recording instruments, a surcharge as provided in RCW
26 36.22.178; and

27 (~~(13)~~) (14) For recording instruments, except for documents
28 recording a birth, marriage, divorce, or death or any documents
29 otherwise exempted from a recording fee under state law, a surcharge
30 as provided in RCW 36.22.179.

31 **Sec. 4.** RCW 36.22.175 and 2017 c 303 s 7 are each amended to
32 read as follows:

33 (1)(a) In addition to any other charge authorized by law, the
34 county auditor shall charge a surcharge of one dollar per instrument
35 for each document recorded. Revenue generated through this surcharge
36 shall be transmitted monthly to the state treasurer for deposit in
37 the local government archives account under RCW 40.14.024. These
38 funds shall be used solely for providing records schedule compliance,
39 security microfilm inspection and storage, archival preservation,

1 cataloging, and indexing for local government records and digital
2 data and access to those records and data through the regional branch
3 archives of the division of archives and records management.

4 (b) The division of archives and records management within the
5 office of the secretary of state shall provide records management
6 training for local governments and shall establish a competitive
7 grant program to solicit and prioritize project proposals from local
8 governments for potential funding to be paid for by funds from the
9 auditor surcharge and tax warrant surcharge revenues. Application for
10 specific projects may be made by local government agencies only. The
11 state archivist in consultation with the advisory committee
12 established under RCW 40.14.027 shall adopt rules governing project
13 eligibility, evaluation, awarding of grants, and other criteria
14 including requirements for records management training for grant
15 recipients.

16 (2) The advisory committee established under RCW 40.14.027 shall
17 review grant proposals and establish a prioritized list of projects
18 to be considered for funding by January 1st of each even-numbered
19 year, beginning in 2002. The evaluation of proposals and development
20 of the prioritized list must be developed through open public
21 meetings. Funding for projects shall be granted according to the
22 ranking of each application on the prioritized list and projects will
23 be funded only to the extent that funds are available. A grant award
24 may have an effective date other than the date the project is placed
25 on the prioritized list.

26 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
27 the county auditor shall charge a surcharge of one dollar per
28 instrument for every document recorded after January 1, 2002. Revenue
29 generated through this surcharge shall be transmitted to the state
30 treasurer monthly for deposit in the ~~((local government archives~~
31 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~
32 ~~construction and improvement of a specialized regional facility~~
33 ~~located in eastern Washington designed to serve the archives, records~~
34 ~~management, and digital data management needs of local government;~~
35 ~~and (ii) payment of the certificate of participation issued for the~~
36 ~~Washington state heritage center to the extent there is an excess~~
37 ~~fund balance in the account and fees generated under RCW 36.18.010~~
38 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
39 ~~certificate of participation.~~

1 ~~(b) To the extent the facilities are used for the storage and~~
2 ~~retrieval of state agency records and digital data, that portion of~~
3 ~~the construction of such facilities used for state government records~~
4 ~~and data shall be supported by other charges and fees paid by state~~
5 ~~agencies and shall not be supported by the surcharge authorized in~~
6 ~~this subsection, except that to the extent there is an excess fund~~
7 ~~balance in the account and fees generated under RCW 36.18.010 and~~
8 ~~43.07.128 are insufficient to meet debt service payments for the~~
9 ~~Washington state heritage center, the local government archives~~
10 ~~account under RCW 40.14.024 may be used for the Washington state~~
11 ~~heritage center.~~

12 ~~(c) At such time that all debt service from construction of the~~
13 ~~specialized regional archive facility located in eastern Washington~~
14 ~~has been paid,)) following accounts, fifty percent of the surcharge~~
15 ~~authorized by this subsection shall be reverted to the ((centennial~~
16 ~~document preservation and modernization)) local government archives~~
17 ~~account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance~~
18 ~~and operation of the specialized regional archive facility located in~~
19 ~~eastern Washington and fifty percent of the surcharge authorized by~~
20 ~~this section shall be reverted to the ((state treasurer for deposit~~
21 ~~in the public records efficiency, preservation, and access account to~~
22 ~~serve the archives, records management, and digital data management~~
23 ~~needs of local government, except that the state treasurer shall not~~
24 ~~revert funds to the centennial document preservation and~~
25 ~~modernization account and to the public records efficiency,~~
26 ~~preservation, and access account if fees generated under RCW~~
27 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
28 ~~payments on the Washington state heritage center)) account created in~~
29 ~~section 9 of this act for payment of the certificate of participation~~
30 ~~issued for the Washington state library-archives building.~~

31 (4) In addition to any other surcharge authorized by law, the
32 county auditor shall charge a surcharge of one dollar per instrument
33 for every document recorded. Revenue generated through this surcharge
34 shall be transmitted to the state treasurer monthly for deposit in
35 the local government archives account under RCW 40.14.024 to be used
36 exclusively for the competitive grant program in RCW 40.14.026, and
37 for the attorney general's consultation program and state archivist's
38 training services authorized in RCW 42.56.570.

1 **Sec. 5.** RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each
2 amended to read as follows:

3 (1)(a) In addition to any other charge authorized by law, the
4 county auditor shall charge a surcharge of one dollar per instrument
5 for each document recorded. Revenue generated through this surcharge
6 shall be transmitted monthly to the state treasurer for deposit in
7 the local government archives account under RCW 40.14.024. These
8 funds shall be used solely for providing records scheduling, security
9 microfilm inspection and storage, archival preservation, cataloging,
10 and indexing for local government records and digital data and access
11 to those records and data through the regional branch archives of the
12 division of archives and records management.

13 (b) The division of archives and records management within the
14 office of the secretary of state shall provide records management
15 training for local governments and shall establish a competitive
16 grant program to solicit and prioritize project proposals from local
17 governments for potential funding to be paid for by funds from the
18 auditor surcharge and tax warrant surcharge revenues. Application for
19 specific projects may be made by local government agencies only. The
20 state archivist in consultation with the advisory committee
21 established under RCW 40.14.027 shall adopt rules governing project
22 eligibility, evaluation, awarding of grants, and other criteria
23 including requirements for records management training for grant
24 recipients.

25 (2) The advisory committee established under RCW 40.14.027 shall
26 review grant proposals and establish a prioritized list of projects
27 to be considered for funding by January 1st of each even-numbered
28 year, beginning in 2002. The evaluation of proposals and development
29 of the prioritized list must be developed through open public
30 meetings. Funding for projects shall be granted according to the
31 ranking of each application on the prioritized list and projects will
32 be funded only to the extent that funds are available. A grant award
33 may have an effective date other than the date the project is placed
34 on the prioritized list.

35 (3) ~~((a))~~ In addition to any other surcharge authorized by law,
36 the county auditor shall charge a surcharge of one dollar per
37 instrument for every document recorded after January 1, 2002. Revenue
38 generated through this surcharge shall be transmitted to the state
39 treasurer monthly for deposit in the ~~((local government archives~~
40 ~~account under RCW 40.14.024 to be used exclusively for: (i) The~~

1 ~~construction and improvement of a specialized regional facility~~
2 ~~located in eastern Washington designed to serve the archives, records~~
3 ~~management, and digital data management needs of local government;~~
4 ~~and (ii) payment of the certificate of participation issued for the~~
5 ~~Washington state heritage center to the extent there is an excess~~
6 ~~fund balance in the account and fees generated under RCW 36.18.010~~
7 ~~and 43.07.128 are insufficient to meet debt service payments on the~~
8 ~~certificate of participation.~~

9 ~~(b) To the extent the facilities are used for the storage and~~
10 ~~retrieval of state agency records and digital data, that portion of~~
11 ~~the construction of such facilities used for state government records~~
12 ~~and data shall be supported by other charges and fees paid by state~~
13 ~~agencies and shall not be supported by the surcharge authorized in~~
14 ~~this subsection, except that to the extent there is an excess fund~~
15 ~~balance in the account and fees generated under RCW 36.18.010 and~~
16 ~~43.07.128 are insufficient to meet debt service payments for the~~
17 ~~Washington state heritage center, the local government archives~~
18 ~~account under RCW 40.14.024 may be used for the Washington state~~
19 ~~heritage center.~~

20 ~~(c) At such time that all debt service from construction of the~~
21 ~~specialized regional archive facility located in eastern Washington~~
22 ~~has been paid,)) following accounts, fifty percent of the surcharge~~
23 ~~authorized by this subsection shall be reverted to the ((centennial~~
24 ~~document preservation and modernization)) local government archives~~
25 ~~account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance~~
26 ~~and operation of the specialized regional archive facility located in~~
27 ~~eastern Washington and fifty percent of the surcharge authorized by~~
28 ~~this section shall be reverted to the ((state treasurer for deposit~~
29 ~~in the public records efficiency, preservation, and access account to~~
30 ~~serve the archives, records management, and digital data management~~
31 ~~needs of local government, except that the state treasurer shall not~~
32 ~~revert funds to the centennial document preservation and~~
33 ~~modernization account and to the public records efficiency,~~
34 ~~preservation, and access account if fees generated under RCW~~
35 ~~36.18.010 and 43.07.128 are insufficient to meet debt service~~
36 ~~payments on the Washington state heritage center)) account created in~~
37 ~~section 9 of this act for payment of the certificate of participation~~
38 ~~issued for the Washington state library-archives building.~~

1 **Sec. 6.** RCW 43.07.128 and 2007 c 523 s 1 are each amended to
2 read as follows:

3 (1) In addition to other required filing fees, the secretary of
4 state shall collect a fee of five dollars at the time of filing for:

5 (a) Articles of incorporation for domestic corporations or
6 applications for certificates of authority for foreign corporations
7 under Title 23B RCW;

8 (b) Certificates of formation for domestic limited liability
9 companies or registrations of foreign limited liability companies
10 under chapter 25.15 RCW;

11 (c) Registrations of foreign and domestic partnerships and
12 limited liability partnerships under chapter 25.05 RCW;

13 (d) Certificates of limited partnership(~~(f+s)~~) s and
14 registration(~~(f+s)~~) s of foreign limited partnerships under chapter
15 25.10 RCW; and

16 (e) Registrations of trademarks under chapter 19.77 RCW.

17 (2) Moneys received under subsection (1) of this section must be
18 deposited into the (~~Washington state heritage center~~) library
19 operations account created in RCW 43.07.129.

20 **Sec. 7.** RCW 43.07.129 and 2012 2nd sp.s. c 7 s 917 are each
21 amended to read as follows:

22 The Washington state (~~heritage center~~) library operations
23 account is created in the custody of the state treasurer. All moneys
24 received under RCW 36.18.010(11) and 43.07.128 must be deposited in
25 the account. Expenditures from the account may be made only for the
26 following purposes:

27 (1) Payment of the certificate of participation issued for the
28 Washington state (~~heritage center~~) library-archives building;

29 (2) Capital maintenance of the Washington state (~~heritage~~
30 ~~center~~) library-archives building and the specialized regional
31 facility located in eastern Washington designed to serve the
32 archives, records management, and digital data management needs of
33 local government; and

34 (3) Program operations that serve the public, relate to the
35 collections and exhibits housed in the Washington state (~~heritage~~
36 ~~center~~) library-archives building, or fulfill the missions of the
37 state archives(~~(r)~~) and state library(~~(r and capital museum)~~).

38 Only the secretary of state or the secretary of state's designee
39 may authorize expenditures from the account. An appropriation is not

1 required for expenditures, but the account is subject to allotment
2 procedures under chapter 43.88 RCW. (~~During the 2011-2013 fiscal~~
3 ~~biennium, the legislature may appropriate from the Washington state~~
4 ~~heritage center account for the purposes of state arts, historical,~~
5 ~~and library programs. Additionally, during the 2011-2013 fiscal~~
6 ~~biennium, the legislature may transfer from the Washington state~~
7 ~~heritage center account to the state general fund such amounts as~~
8 ~~reflect the excess fund balance of the fund.))~~

9 **Sec. 8.** RCW 43.07.370 and 2009 c 71 s 1 are each amended to read
10 as follows:

11 (1) The secretary of state may solicit and accept gifts, grants,
12 conveyances, bequests, and devises of real or personal property, or
13 both, in trust or otherwise, and sell, lease, exchange, invest, or
14 expend these donations or the proceeds, rents, profits, and income
15 from the donations except as limited by the donor's terms.

16 (2) Moneys received under this section may be used only for the
17 following purposes:

18 (a) Conducting the Washington state legacy project;

19 (b) Archival activities;

20 (c) Washington state library activities;

21 (d) Development, construction, and operation of the Washington
22 state (~~heritage center~~) library-archives building; and

23 (e) Donation of Washington state flags.

24 (3)(a) Moneys received under subsection (2)(a) through (c) of
25 this section must be deposited in the Washington state legacy
26 project, state library, and archives account established in RCW
27 43.07.380.

28 (b) Moneys received under subsection (2)(d) of this section must
29 be deposited in the Washington state (~~heritage center~~) library-
30 archives building account created in (~~RCW 43.07.129~~) section 9 of
31 this act.

32 (c) Moneys received under subsection (2)(e) of this section must
33 be deposited in the Washington state flag account created in RCW
34 43.07.388.

35 (4) The secretary of state shall adopt rules to govern and
36 protect the receipt and expenditure of the proceeds.

37 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.07
38 RCW to read as follows:

1 The Washington state library-archives building account is created
2 in the custody of the state treasurer. All moneys received under RCW
3 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in
4 the account. Expenditures from the account may be made only for the
5 purposes of payment of the certificate of participation issued for
6 the Washington state library-archives building. Only the secretary of
7 state or the secretary of state's designee may authorize expenditures
8 from the account. An appropriation is not required for expenditures,
9 but the account is subject to allotment procedures under chapter
10 43.88 RCW.

11 **Sec. 10.** RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and
12 2018 c 127 s 6 are each reenacted and amended to read as follows:

13 (1) Money in the treasurer's trust fund may be deposited,
14 invested, and reinvested by the state treasurer in accordance with
15 RCW 43.84.080 in the same manner and to the same extent as if the
16 money were in the state treasury, and may be commingled with moneys
17 in the state treasury for cash management and cash balance purposes.

18 (2) All income received from investment of the treasurer's trust
19 fund must be set aside in an account in the treasury trust fund to be
20 known as the investment income account.

21 (3) The investment income account may be utilized for the payment
22 of purchased banking services on behalf of treasurer's trust funds
23 including, but not limited to, depository, safekeeping, and
24 disbursement functions for the state treasurer or affected state
25 agencies. The investment income account is subject in all respects to
26 chapter 43.88 RCW, but no appropriation is required for payments to
27 financial institutions. Payments must occur prior to distribution of
28 earnings set forth in subsection (4) of this section.

29 (4)(a) Monthly, the state treasurer must distribute the earnings
30 credited to the investment income account to the state general fund
31 except under (b), (c), and (d) of this subsection.

32 (b) The following accounts and funds must receive their
33 proportionate share of earnings based upon each account's or fund's
34 average daily balance for the period: The 24/7 sobriety account, the
35 Washington promise scholarship account, the Gina Grant Bull memorial
36 legislative page scholarship account, the Washington advanced college
37 tuition payment program account, the Washington college savings
38 program account, the accessible communities account, the Washington
39 achieving a better life experience program account, the community and

1 technical college innovation account, the agricultural local fund,
2 the American Indian scholarship endowment fund, the foster care
3 scholarship endowment fund, the foster care endowed scholarship trust
4 fund, the contract harvesting revolving account, the Washington state
5 combined fund drive account, the commemorative works account, the
6 county enhanced 911 excise tax account, the toll collection account,
7 the developmental disabilities endowment trust fund, the energy
8 account, the fair fund, the family and medical leave insurance
9 account, the fish and wildlife federal lands revolving account, the
10 natural resources federal lands revolving account, the food animal
11 veterinarian conditional scholarship account, the forest health
12 revolving account, the fruit and vegetable inspection account, the
13 future teachers conditional scholarship account, the game farm
14 alternative account, the GET ready for math and science scholarship
15 account, the Washington global health technologies and product
16 development account, the grain inspection revolving fund, the
17 Washington history day account, the industrial insurance rainy day
18 fund, the juvenile accountability incentive account, the law
19 enforcement officers' and firefighters' plan 2 expense fund, the
20 local tourism promotion account, the low-income home rehabilitation
21 revolving loan program account, the multiagency permitting team
22 account, the northeast Washington wolf-livestock management account,
23 the pilotage account, the produce railcar pool account, the regional
24 transportation investment district account, the rural rehabilitation
25 account, the Washington sexual assault kit account, the stadium and
26 exhibition center account, the youth athletic facility account, the
27 self-insurance revolving fund, the children's trust fund, the
28 Washington horse racing commission Washington bred owners' bonus fund
29 and breeder awards account, the Washington horse racing commission
30 class C purse fund account, the individual development account
31 program account, the Washington horse racing commission operating
32 account, the life sciences discovery fund, the Washington state
33 (~~heritage center~~) library-archives building account, the reduced
34 cigarette ignition propensity account, the center for childhood
35 deafness and hearing loss account, the school for the blind account,
36 the Millersylvania park trust fund, the public employees' and
37 retirees' insurance reserve fund, the school employees' benefits
38 board insurance reserve fund, (~~the~~) the public employees' and
39 retirees' insurance account, (~~the~~) the school employees'

1 insurance account, (~~and~~) the radiation perpetual maintenance fund,
2 and the library operations account.

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

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

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

20 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
21 2020.

22 NEW SECTION. **Sec. 12.** Section 5 of this act takes effect June
23 30, 2020.

--- END ---