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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 10, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Davey Moore and Elizabeth Veschke. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Janet Tanaka, Bahai of Thurston County.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2339 by Representatives Kessler, Seaquist, Roberts, Williams, Simpson, Nelson, Ormsby, Dunshee, Goodman, Pedersen, Cody, Hasegawa, Kirby, Maxwell, Upthegrove, Finn, Eddy, Hunt, Orwall, Rolfes, Morrell, Kenney, Clibborn, Morris, Green, Kagi, Chase, Sells, Wood, Flannigan, Ericks, McCoy, Campbell, Appleton, Pettigrew, White, Blake, Linville, Wallace, Conway, Carlyle, Miloscia, Takko, O'Brien, Hurst and Van De Wege

AN ACT Relating to requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation; amending RCW 46.16.076; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HCR 4405 by Representatives Hinkle, Kristiansen, DeBolt, Ross, Klippert, Smith, Condotta, Angel, Pearson, Warnick, Shea, Johnson, Kretz, Short, Ericksen, Herrera, Orcutt and Haler

Agreeing to limit the length of the 2010 legislative session to no more than forty-five days.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bill and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

April 7, 2009

HB 1244 Prime Sponsor, Representative Linville: Making 2009-2011 operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Dameille; Haigh; Hunt; Hunter; Kagi; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5963, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton)

Regarding unemployment insurance.

The House resumed consideration from Day 88, April 9, 2009.

With the consent of the House, amendments (563), (564), (565), (566), (567), (568), and (569) were withdrawn.

Representative Green moved the adoption of amendment (550):

On page 23, after line 23, insert the following:

"**Sec. 4.** RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-

hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010, and before January 3, 2016:

(i) Except as provided in (ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.--- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than eight months of unemployment benefits.

(c) For claims with an effective date on or after January 3, 2016, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Green spoke in favor of the adoption of the amendment.

Representatives DeBolt and Condotta spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (550) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (550) to Substitute Senate Bill No. 5963 and the amendment was adopted by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kelley, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kagi, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Amendment (550) was adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (550) to SUBSTITUTE SENATE BILL NO. 5963.

RUTH KAGI, 32nd District

Because of the adoption of amendment (550), amendments (546) and (573) were ruled out of order.

With the consent of the House, amendments (547) and (548) were withdrawn.

Representative Conway moved the adoption of amendment (556):

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.22.010 and 1993 c 483 s 15 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks:

(a) The rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

(5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(8) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; or

(b) For an individual who is eligible for emergency unemployment compensation during the extended benefit period beginning February 15, 2009, the period consisting of the week ending February 28, 2009, through the week ending May 29, 2010.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to

federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954."

Renumber the sections consecutively and correct any internal references accordingly.

On page 24, after line 2, insert the following:

"**NEW SECTION.** Sec. 6. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Condotta spoke against the adoption of the amendment.

Amendment (556) was adopted.

Representative Condotta moved the adoption of amendment (578):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.29.021 and 2008 c 323 s 2 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(((2))) (1)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(((2))) (1)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer. However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork- related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050(((2))) (1)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (3)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.06 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 2. RCW 50.29.025 and 2007 c 51 s 1 are each amended to read as follows:

(1) ((Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (c) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (c) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Schedules of Contributions Rates for Effective Tax Schedule									
From	To	Rate Class	AA	A	B	C	D	E	F		
0	5.00	1	0.5	0.47	0.57	0.97	1.47	1.87	2.47		
5.01	10.00	2	0.5	0.47	0.77	1.17	1.67	2.07	2.67		
10.01	15.00	3	0.6	0.57	0.97	1.37	1.77	2.27	2.87		
15.01	20.00	4	0.6	0.73	1.11	1.51	1.90	2.40	2.98		
20.01	25.00	5	0.7	0.92	1.3	1.70	2.09	2.59	3.08		
25.01	30.00	6	0.9	1.11	1.49	1.89	2.29	2.69	3.18		
30.01	35.00	7	1	1.29	1.69	2.08	2.48	2.88	3.27		
35.01	40.00	8	1.2	1.48	1.88	2.27	2.67	3.07	3.47		
40.01	45.00	9	1.4	1.67	2.07	2.47	2.87	3.27	3.66		
45.01	50.00	10	1.6	1.86	2.26	2.66	3.06	3.46	3.86		

50.01	55.00	11	1.8	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.2	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.4	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.9	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.7	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.1	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.4	5.4

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with)) For contributions assessed for rate years 2005 through 2009, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than	
0	0.000001	0
0.00125	0.001250	0.13
0.0025	0.0025	0.25
0.00375	0.00375	0.38
0.005	0.005	0.5
0.00625	0.00625	0.63
0.0075	0.0075	0.75
0.00875	0.00875	0.88
0.01	0.01	1
0.01125	0.011250	1.15
0.0125	0.012500	1.3
0.01375	0.013750	1.45

0.01375	0.015000	13	1.6
0.015	0.01625	14	1.75
0.01625	0.0175	15	1.9
0.0175	0.01875	16	2.05
0.01875	0.02	17	2.2
0.02	0.02125	18	2.35
0.02125	0.022500	19	2.5
0.0225	0.023750	20	2.65
0.02375	0.025000	21	2.8
0.025	0.026250	22	2.95
0.02625	0.027500	23	3.1
0.0275	0.028750	24	3.25
0.02875	0.030000	25	3.4
0.03	0.031250	26	3.55
0.03125	0.032500	27	3.7
0.0325	0.033750	28	3.85
0.03375	0.035000	29	4
0.035	0.036250	30	4.15
0.03625	0.037500	31	4.3
0.0375	0.040000	32	4.45
0.04	0.042500	33	4.6
0.0425	0.045000	34	4.75
0.045	0.047500	35	4.9
0.0475	0.050000	36	5.05
0.05	0.052500	37	5.2
0.0525	0.055000	38	5.3
0.055	0.057500	39	5.35
0.0575		40	5.4

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection ((2)) (1)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection ((2)) (1)(b) shall be six-tenths of one percent, except that

if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate years 2008 and ((thereafter)) 2009:

(I) Rate class 1 - 78 percent;

(II) Rate class 2 - 82 percent;

(III) Rate class 3 - 86 percent;

(IV) Rate class 4 - 90 percent;

(V) Rate class 5 - 94 percent;

(VI) Rate class 6 - 98 percent;

(VII) Rate class 7 - 102 percent;

(VIII) Rate class 8 - 106 percent;

(IX) Rate class 9 - 110 percent;

(X) Rate class 10 - 114 percent;

(XI) Rate class 11 - 118 percent; and

(XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in

a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) For rate years 2005, 2006, and 2007:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40; and

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) ((Beginning with)) For contributions assessed for rate years 2008 and 2009:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(C) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
	At least	Less than	
(I)		.95	90
(II)	0.95	1.05	100
(III)	1.05		115

(2) For contributions assessed in rate year 2010 and thereafter, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least		
	Less than	
	0.000001	0
0	0.001250	0.11
0.00125	0.002500	0.22
0.0025	0.003750	0.33
0.00375	0.005000	0.43
0.005	0.006250	0.54
0.00625	0.007500	0.65
0.0075	0.008750	0.76
0.00875	0.010000	0.88
0.01	0.011250	1.01
0.01125	0.012500	1.14
0.0125	0.013750	1.28
0.01375	0.015000	1.41
0.015	0.016250	1.54
0.01625	0.017500	1.67
0.0175	0.018750	1.8
0.01875	0.020000	1.94
0.02	0.021250	2.07
0.02125	0.022500	2.2
0.0225	0.023750	2.38
0.02375	0.025000	2.5
0.025	0.026250	2.63
0.02625	0.027500	2.75
0.0275	0.028750	2.88
0.02875	0.030000	3
0.03	0.031250	3.13
0.03125	0.032500	3.25
0.0325	0.033750	3.38
0.03375	0.035000	3.5
0.035	0.036250	3.63
0.03625	0.037500	3.75
0.0375	0.040000	4
0.04	0.042500	4.25
0.0425	0.045000	4.5
0.045	0.047500	4.75
0.0475	0.050000	5
0.05	0.052500	5.15
0.0525	0.055000	5.25
0.055	0.057500	5.3
0.0575		5.4

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment

benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least ten months but less than eleven months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least eleven months but less than twelve months of unemployment benefits, the minimum shall be forty-five hundredths of one percent; or

(III) At least twelve months but less than thirteen months of unemployment benefits, the minimum shall be four-tenths of one percent; or

(IV) At least thirteen months but less than fifteen months of unemployment benefits, the minimum shall be thirty-five hundredths of one percent; or

(V) At least fifteen months but less than seventeen months of unemployment benefits, the minimum shall be twenty-five hundredths of one percent; or

(VI) At least seventeen months but less than eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent; or

(VII) At least eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent through rate year 2011 and shall be zero thereafter.

(ii) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed five and four-tenths percent:

- (A) Rate class 1 - 78 percent;
- (B) Rate class 2 - 82 percent;
- (C) Rate class 3 - 86 percent;
- (D) Rate class 4 - 90 percent;
- (E) Rate class 5 - 94 percent;
- (F) Rate class 6 - 98 percent;
- (G) Rate class 7 - 102 percent;
- (H) Rate class 8 - 106 percent;
- (I) Rate class 9 - 110 percent;
- (J) Rate class 10 - 114 percent;
- (K) Rate class 11 - 118 percent; and
- (L) Rate classes 12 through 40 - 120 percent.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(ii) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(iii) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
	At least	Less than	
(A)		.95	90
(B)	.95	1.05	100
(C)	1.05		115

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found ((in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial

classification code, or)) in the North American industry classification system code.

Sec. 3. RCW 50.20.050 and 2008 c 323 s 1 are each amended to read as follows:

(1) ((With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2)) With respect to claims that have an effective date on or after January 4, 2004, and for separations that occur before September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the

existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those

instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

Sec. 4. RCW 50.22.010 and 1993 c 483 s 15 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks:

(a) The rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period

consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

(5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(8) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; or

(b) For an individual who is eligible for emergency unemployment compensation during the extended benefit period beginning February 15, 2009, the period consisting of the week ending February 28, 2009, through the week ending May 29, 2010.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Condotta, Ericksen, Walsh, Chandler, Armstrong, Warnick, Kristiansen and Ericks spoke in favor of the adoption of the amendment.

Representatives Conway, Green and Simpson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (578) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (578) to Substitute Senate Bill No. 5963 and the amendment was not adopted by the following vote: Yeas: 47; Nays: 51; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (578) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Nelson, Wallace, Rolfes, Conway, Miloscia, Kelley, Appleton and Hasegawa spoke in favor of the passage of the bill.

Representatives Condotta, Haler, Dammeier, Anderson, Rodne, Parker, Short, Johnson, Armstrong, Taylor, Orcutt, Pearson, Angel, Schmick, Shea, Cox, Klippert, Ross, Smith, Hinkle, Priest, Bailey, Hope, Condotta (again) and DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5963, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5963, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5963, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Marr)

Making 2009-11 transportation appropriations.

The bill was read the second time.

Representative Clibborn moved the adoption of amendment (456):

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation. \$705,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation. \$3,369,000

Puget Sound Ferry Operations Account--State Appropriation. \$100,000

TOTAL APPROPRIATION. \$3,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation. \$446,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation. \$1,406,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes and for the operation of the department of archaeology and historic preservation.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation. \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation. \$502,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation.	\$2,542,000
Highway Safety Account--Federal Appropriation.	\$16,540,000
School Zone Safety Account--State Appropriation.	\$3,340,000
TOTAL APPROPRIATION.	\$22,422,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee no more than five pilot projects implementing the use of automated traffic safety cameras to detect speed violations.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(2) \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation.	\$920,000
Motor Vehicle Account--State Appropriation.	\$2,129,000
County Arterial Preservation Account--State Appropriation.	\$1,423,000
TOTAL APPROPRIATION.	\$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation.	\$1,824,000
Transportation Improvement Account--State Appropriation.	\$1,827,000
TOTAL APPROPRIATION.	\$3,651,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation.	\$1,501,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation.	\$1,887,000
Multimodal Transportation Account--State Appropriation.	\$112,000
TOTAL APPROPRIATION.	\$1,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall consider selling the naming rights and shall make recommendations to the legislature regarding this option.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation.	\$695,000
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The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation.	\$232,147,000
State Patrol Highway Account--Federal Appropriation.	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation.	\$859,000
TOTAL APPROPRIATION.	\$243,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) \$2,125,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201(2) of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation.	\$1,557,000
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NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation.	\$104,137,000
State Patrol Highway Account--Private/Local Appropriation.	\$2,008,000

TOTAL APPROPRIATION..... \$106,145,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.
(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.
(3) \$8,638,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.
(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.
(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.
(6) The Washington state patrol may submit information technology- related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.
(7) \$800,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Table listing appropriations for the Department of Licensing: Marine Fuel Tax Refund Account--State Appropriation (\$32,000), Motorcycle Safety Education Account--State Appropriation (\$4,373,000), Wildlife Account--State Appropriation (\$837,000), Highway Safety Account--State Appropriation (\$145,403,000), Highway Safety Account--Federal Appropriation (\$8,000), Motor Vehicle Account--State Appropriation (\$78,671,000), Motor Vehicle Account--Private/Local Appropriation (\$1,372,000), Motor Vehicle Account--Federal Appropriation (\$242,000), Department of Licensing Services Account--State Appropriation (\$4,718,000), Washington State Patrol Highway Account--State Appropriation (\$738,000), Ignition Interlock Device Revolving Account--State Appropriation (\$2,490,000), and TOTAL APPROPRIATION (\$238,884,000).

The appropriations in this section are subject to the following conditions and limitations:

- (1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.
(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:
(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;
(ii) Identification and analysis of relevant factors including, but not limited to:
(A) Taxpayer reporting and payment processes;
(B) The international fuel tax agreement;
(C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
(D) Computer systems;
(E) Best management practices and efficiencies;
(F) Costs; and
(G) Personnel matters;
(iii) Development of recommended actions to accomplish the transfer; and
(iv) An implementation plan and schedule.
(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.
(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. The department shall not close any licensing service offices other than the following anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver; (i) Yakima; and (j) the driver/vehicle licensing service office in the highway-licensing building in Olympia. The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (a) Lease costs; (b) salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number of transactions completed, by type of transaction; and (f) office hours.
(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross- border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.
(4) \$2,490,000 of the ignition interlock device revolving account-- state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identocard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identocards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION-- TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation.	\$2,867,000
Motor Vehicle Account--State Appropriation.	\$585,000
Tacoma Narrows Toll Bridge Account--State Appropriation.	\$27,358,000
State Route Number 520 Corridor Account--State Appropriation.	\$60,260,000
TOTAL APPROPRIATION.	\$91,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review the Tacoma Narrows bridge insurance coverage, deductibles, and limitations to assure that the asset is well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) \$60,260,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State Appropriation.	\$2,675,000
Motor Vehicle Account--State Appropriation.	\$69,811,000
Motor Vehicle Account--Federal Appropriation.	\$240,000
Multimodal Transportation Account--State Appropriation.	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$2,676,000
TOTAL APPROPRIATION.	\$75,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(4) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation. \$25,501,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation. \$6,009,000

Aeronautics Account--Federal Appropriation. \$2,150,000

TOTAL APPROPRIATION. \$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.
- (2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation. \$49,142,000

Motor Vehicle Account--Federal Appropriation. \$500,000

Multimodal Transportation Account--State Appropriation. \$250,000

Water Pollution Account--State Appropriation. \$2,000,000

TOTAL APPROPRIATION. \$51,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

(2) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of \$600,000, the proceeds of which must be deposited in the motor vehicle fund.

(3) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

(4) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation. \$565,000

Multimodal Transportation Account--State Appropriation. \$200,000

TOTAL APPROPRIATION. \$765,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation. \$346,887,000

Motor Vehicle Account--Federal Appropriation. \$2,000,000

Motor Vehicle Account--Private/Local Appropriation. \$5,797,000

Water Pollution Account--State Appropriation.	\$12,500,000
TOTAL APPROPRIATION.	\$367,184,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.
- (2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.
- (3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.
- (4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.
- (5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:
 - (a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and
 - (b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.
- (6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.
- (7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.
- (9) The department shall provide a cost-benefit analysis to the house and senate transportation committees by January 15, 2010, on replacing all illuminated guide signs in the state with a super high efficiency, retroflective sheeting for optimal performance and sign illumination to be completed by June 30, 2014. The report shall include an update on replacements from illuminated guide signs with a super high efficiency, retroflective sheeting that have occurred since January 15, 2010.
- (10) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING

Motor Vehicle Account--State Appropriation.	\$51,353,000
Motor Vehicle Account--Federal Appropriation.	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation.	\$127,000
State Route Number 520 Corridor Account--State Appropriation.	\$88,000
TOTAL APPROPRIATION.	\$53,618,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.
- (2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present. The department shall use the following guidelines to administer the program:
 - (a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;
 - (b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;
 - (c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;
 - (d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$88,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation.	\$29,389,000
Motor Vehicle Account--Federal Appropriation.	\$30,000
Multimodal Transportation Account--State Appropriation.	\$973,000
State Route Number 520 Corridor Account--State Appropriation.	\$801,000
TOTAL APPROPRIATION.	\$31,193,000

The appropriations in this section are subject to the following conditions and limitations: \$801,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.	\$26,470,000
Motor Vehicle Account--Federal Appropriation.	\$19,116,000
Multimodal Transportation Account--State Appropriation.	\$696,000
Multimodal Transportation Account--Federal Appropriation.	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation.	\$100,000
TOTAL APPROPRIATION.	\$49,191,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

(3) The department shall, to the greatest extent practicable, maximize the use of recycled concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2010, regarding the use of recycled concrete and asphalt. The report must include, at a minimum, how much recycled concrete and asphalt was used and the resulting cost savings to the state.

(4) \$600,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(5) \$400,000 of the motor vehicle account--state appropriation is provided solely for a state route number 2 development plan as described in Substitute House Bill No. 1575.

(6) \$400,000 of the motor vehicle account--state appropriation is provided solely for a study of the use of tolls to help fund future capacity and connection improvements on state route number 167 and state route number 509. A report on the study must be submitted to the house of representatives and senate transportation committees by September 30, 2010.

(7) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES-- PROGRAM U

Motor Vehicle Account--State Appropriation.	\$87,331,000
Motor Vehicle Account--Federal Appropriation.	\$400,000
Multimodal Transportation Account--State Appropriation.	\$561,000
TOTAL APPROPRIATION.	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self- insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.
- (2) Payments in this section represent charges from other state agencies to the department of transportation.
 - (a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES. . . . \$1,639,000
 - (b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR. \$937,000
 - (c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION. \$6,060,000
 - (d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL. \$6,347,000
 - (e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION. \$44,418,000
 - (f) FOR ARCHIVES AND RECORDS MANAGEMENT. \$623,000
 - (g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES. \$1,008,000
 - (h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT. \$1,143,000
 - (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES. \$1,477,000
 - (j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE. \$8,526,000
 - (k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION. \$672,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State Appropriation.	\$36,208,000
Multimodal Transportation Account--State Appropriation.	\$78,845,000
Multimodal Transportation Account--Federal Appropriation.	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation.	\$1,027,000
TOTAL APPROPRIATION.	\$118,662,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$26,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.
 - (a) \$6,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.
 - (b) \$20,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.
- (2) Funds are provided for the rural mobility grant program as follows:
 - (a) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.
 - (b) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.
 - (c) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for vanpool grants to rural transit agencies to cover the capital cost of adding vans. The grants must be administered under the same rules and criteria as the statewide vanpool grant program.

(3) \$11,600,000 of the multimodal transportation account--state appropriation is provided solely for a statewide vanpool grant program for public transit agencies to cover the capital costs of vans. At least \$3,600,000 of this amount must be used for vanpool grants in congested corridors in King, Pierce, Snohomish, Thurston, Clark, and Spokane counties.

(4) \$500,000 of the multimodal transportation account--state appropriation is provided solely to expand park and ride lot capacity through short-term lease agreements and relocation incentives for carpools and vanpools.

(5)(a) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to cities and counties to expand the commute trip reduction program established in RCW 70.94.521 through 70.94.555 to: (i) Increase voluntary participation by medium- sized employers (fifty to one hundred employees) in affected urban growth areas; and (ii) provide state technical support for the expanded program. The commute trip reduction board shall establish criteria for grants and statewide trip reduction goals for medium-sized employers, and report biennially on achievement of the goals as part of the board's legislative report.

(b) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for: (i) Grants to local governments primarily for small employers (under fifty employees) pursuant to the provisions for growth and transportation efficiency centers established under RCW 70.94.521 through 70.94.555; (ii) state technical support; and (iii) the measurement of the effectiveness of the program.

(6) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(7) \$3,317,808 of the multimodal transportation account--state appropriation and \$21,248,089 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed April 20, 2007; LEAP Transportation Document 2006-D, as developed March 8, 2006; or as selected by the legislature from the priority list to be submitted by the department in January 2009. Any project that has been awarded funds but has not reported activity within one year of the grant award must be reviewed by the department to determine whether the grant award should be terminated. If the grant award is terminated, the funds lapse. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(8) \$14,959,600 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(9) \$80,000 of the multimodal transportation account--state appropriation is provided solely to the department of transportation to distribute for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009 (special needs transportation). If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this section shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation. \$404,720,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$52,463,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. Any expenditures for fuel hedging payments may be considered vessel operating fuel payments.

(2) To protect the waters of Puget Sound, the Washington state ferries shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If the Washington state ferries considers implementing a fuel surcharge, they must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The analysis must include an evaluation of other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia. The Washington state ferries may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The Washington state ferries shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report their analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in the recast of the ferry budget, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) \$8,000,000 of the Puget Sound ferry operations account--state appropriation is to be placed in unallotted status until the office of financial management, after consultation with the house of representatives and senate transportation committees, has approved the rates and conditions of commercial insurance purchased for ferry assets.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation. \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- OPERATING

Motor Vehicle Account--State Appropriation. \$8,739,000
Motor Vehicle Account--Federal Appropriation. \$2,567,000
TOTAL APPROPRIATION. \$11,306,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation. \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.

(2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation. \$51,000,000
Motor Vehicle Account--State Appropriation. \$1,048,000
County Arterial Preservation Account--State Appropriation. \$31,400,000
TOTAL APPROPRIATION. \$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State Appropriation. \$4,600,000
Urban Arterial Trust Account--State Appropriation. \$122,400,000
Transportation Improvement Account--State Appropriation. \$85,643,000
TOTAL APPROPRIATION. \$212,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

- (1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;
- (2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;
- (3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;
- (4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and
- (5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation. \$3,757,000

The appropriation in this section is subject to the following conditions and limitations: \$290,000 of the motor vehicle account-- state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State Appropriation.	\$1,000
Transportation Partnership Account--State Appropriation.	\$1,599,350,000
Motor Vehicle Account--State Appropriation.	\$107,339,000
Motor Vehicle Account--Federal Appropriation.	\$404,530,000
Motor Vehicle Account--Private/Local Appropriation.. . . .	\$65,494,000
Special Category C Account--State Appropriation.. . . .	\$24,549,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$750,085,000
Freight Mobility Multimodal Account--State Appropriation.	\$4,422,000
Tacoma Narrows Toll Bridge Account--State Appropriation.	\$788,000
State Route Number 520 Corridor Account--State Appropriation.	\$270,000,000
TOTAL APPROPRIATION.	\$3,226,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Improvement Program (I), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by fifty million dollars in each biennium. The appropriations provided in this section for the projects in those biennia are fifty million dollars less than the aggregate total of project costs listed. It is the intent of the legislature that, so long as the favorable bidding climate continues, the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document.

(3) \$62,874,000 of the transportation partnership account--state appropriation and \$270,000,000 of the state route number 520 corridor account--state appropriation are provided solely for replacement of the state route number 520 bridge for projects for which the designs are agreed upon. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. If federal stimulus funds are received, an equivalent amount of the funds already identified for this project must be earmarked for the construction of the projects on the west side of the state route number 520 corridor. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$704,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,258,269,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$55,900,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views; and

(iii) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Skykomish and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The department shall not sign the final environmental impact statement for the east link project or negotiate an airspace lease with sound transit for the use of the Interstate 90 center roadway for exclusive use by light rail until completion of an independent facility asset assessment by the joint transportation committee.

(18) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a new interchange between state route number 195 and Cheney-Spokane Road. It is the intent of the legislature that an additional \$6,500,000 will be provided in the 2011-13 omnibus transportation appropriations act to complete this project.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation is provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$35,000,000 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

- (a) A master schedule of all subprojects included in the full replacement project or program; and
- (b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23)(a) The legislature finds that the city of Seattle has agreed to pay for and ensure the adequate and efficient access for freight and vehicles, and adequate and efficient access to neighborhoods along the state route number 99 corridor, as part of their responsibilities in the Alaskan Way viaduct replacement project as recommended by the governor, King county, and the city of Seattle in the letter of agreement dated January 13, 2009. The elements of the city's plan include:

(i) Performing all work necessary to ensure that the Alaskan Way surface street is an efficient alternative access route for freight and vehicles, including:

(A) Operating the four-lane Alaskan Way surface street between Holgate Street and Elliot Avenue/Western Avenue in a manner that optimizes through traffic and freight movement to and through the surface street corridor along the waterfront;

(B) Synchronizing traffic lights and traffic control devices along state route number 99 between Spokane Street and the Aurora Bridge, and erecting additional traffic lights and control devices, if necessary, to prioritize vehicular and freight traffic flow; and

(C) Providing for reliable and effective access to the port of Seattle and other major destinations south of the port, including implementing measures to facilitate efficient traffic flow along Alaskan Way by way of the state route number 99 and state route number 519 interchange;

(D) Providing for reliable and effective access to and from state route number 99 and to and from the Mercer corridor for the port of Seattle and other residents and businesses in northwest Seattle;

(ii) Working with the state department of transportation and, prior to removal of the viaduct, developing a plan that optimizes traffic flow from neighborhoods in northwest Seattle to the deep bored tunnel, including:

(A) Providing for the efficient movement of traffic along major arterials including, but not limited to, North 46th Street, North 39th Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer Street; and

(B) Providing for traffic light synchronization, and addressing on- street parking, congestion near the Aurora Avenue bridge related to the Queen Anne Drive and 6th Avenue North turnaround, and bridge policies that affect congestion and traffic flow; and

(iii) Prior to removal of the viaduct, developing and implementing a plan that maximizes safe and efficient vehicle throughput on Mercer Street, including: Optimizing traffic flow on Mercer Street, which includes two-way West Mercer Street improvements, and from Elliott Avenue to state route number 99; and providing safe and efficient access to state route number 99 and the deep bored tunnel.

(b) In order to ensure that the city of Seattle complies with its commitment as described in (a) of this subsection, the state shall make \$50,000,000 of the transportation partnership account--state appropriation as provided in the 2009-2011 transportation budget, or as much thereof as is appropriated from this account, whichever is smaller, available for contribution to the south Spokane Street viaduct component of the Alaskan Way viaduct replacement project, contingent on the city of Seattle complying with this subsection.

(c) All costs related to the work performed by the city of Seattle to provide adequate and efficient access for freight and vehicles along the state route number 99 corridor, as described in (a) of this subsection, shall be borne by the city.

(d) The city of Seattle may comply with this subsection by entering into an agreement with the department of transportation in which the city agrees to make all improvements identified in this subsection and to be solely responsible for all costs associated with the listed improvements.

(24) The state route number 520 corridor account--state appropriation includes up to \$270,000,000 in proceeds from the sale of bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(25) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514 A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed March 30, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P
Transportation Partnership Account--State Appropriation. \$107,377,000

Motor Vehicle Account--State Appropriation.	\$111,009,000
Motor Vehicle Account--Federal Appropriation.	\$514,767,000
Motor Vehicle Account--Private/Local Appropriation.	\$6,417,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$7,237,000
Puyallup Tribal Settlement Account--State Appropriation.	\$6,500,000
TOTAL APPROPRIATION.	\$753,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Preservation Program (P), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$280,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - replace ferry boat. The Keller ferry boat replacement must consist of a tug and barge.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) Within existing funds and resources, the department shall conduct an analysis and produce a report on state highway pavement replacement needs, level of investment, timing, and strategies for the next ten years. The department shall include the following in the report:

(a) For asphalt and chip seal: (i) The current backlog of "black" pavement preservation projects; (ii) the level of investment needed and schedule to reduce or eliminate the backlog and resume the lowest life-cycle cost to replace the highway lane miles; and (iii) strategies for addressing the recent rapid escalation of asphalt prices and using alternatives to hot mix asphalt;

(b) For concrete or "white" pavement: (i) Identification of concrete rehabilitation and replacement needs in the next ten years; and (ii) the level of investment, schedule, and strategies for rehabilitation and replacement, including dowel-bar retrofit, selected panel replacement, and full replacement; and

(c) For all types of pavement: Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile.

The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 31, 2009, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(8) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation.	\$6,394,000
Motor Vehicle Account--Federal Appropriation.	\$9,262,000
TOTAL APPROPRIATION.	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation.	\$129,775,000
Puget Sound Capital Construction Account--Federal Appropriation.	\$38,675,000
Puget Sound Capital Construction Account--Local Appropriation.	\$8,492,000

Transportation 2003 Account (Nickel Account)--State Appropriation.	\$67,931,000
Transportation Partnership Account--State Appropriation.	\$64,784,000
Multimodal Transportation Account--State Appropriation.	\$170,000
TOTAL APPROPRIATION.	\$309,827,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,566,000 of the Puget Sound capital construction account-- state appropriation, \$38,675,000 of the Puget Sound capital construction account--federal appropriation, \$64,784,000 of the transportation partnership account--state appropriation, \$67,931,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed March 30, 2009.

(2) \$57,031,000 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Homes class ferry vessels subject to the conditions and limitations in RCW 47.56.780, the first two of which shall be used to restore service on the Port Townsend-Keystone route. The department may add additional passenger capacity to one of these vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(3) \$6,300,000 of the Puget Sound capital construction account-- state appropriation is provided solely for emergency capital costs.

(4) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(5) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to update the vessel life-cycle cost model by December 31, 2009.

(6) \$3,965,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The Washington state ferries shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The Washington state ferries shall review and adjust their capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$3,763,000 of this appropriation is provided solely for the Washington state ferries to develop a reservation system. Of this amount, \$3,118,000 shall be placed in unallotted status until the Washington state ferries develops a plan for a reservation system pilot program and the plan is reviewed by the office of financial management and either the joint transportation committee or the transportation committees of the legislature. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation.	\$675,000
Transportation Infrastructure Account--State Appropriation.	\$9,416,000
Multimodal Transportation Account--State Appropriation.	\$97,610,000
Multimodal Transportation Account--Federal Appropriation.	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation.	\$81,000
TOTAL APPROPRIATION.	\$123,836,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(c)(i) Within the amounts provided in this section, \$1,679,350 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of

Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$337,978; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide-emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) \$8,100,000 of the transportation infrastructure account--state appropriation is provided solely for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$43,616,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- CAPITAL

Highway Infrastructure Account--State Appropriation.	\$207,000
Highway Infrastructure Account--Federal Appropriation.	\$1,602,000
Freight Mobility Investment Account--State Appropriation.	\$13,048,000
Transportation Partnership Account--State Appropriation.	\$8,363,000
Motor Vehicle Account--State Appropriation.	\$11,745,000
Motor Vehicle Account--Federal Appropriation.	\$37,569,000
Freight Mobility Multimodal Account--State Appropriation.	\$13,918,000
Freight Mobility Multimodal Account--Local Appropriation.	\$3,135,000
Multimodal Transportation Account--Federal Appropriation.	\$2,098,000
Multimodal Transportation Account--State Appropriation.	\$23,340,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$709,000
Passenger Ferry Account--State Appropriation.	\$2,879,000
TOTAL APPROPRIATION.	\$118,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,879,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(4) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(7) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account-- state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(8) \$14,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as developed March 30, 2009.

(10) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

TRANSFERS AND DISTRIBUTIONS

NEWSECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation.	\$693,602,000
Ferry Bond Retirement Account Appropriation.	\$33,770,000

Transportation Improvement Board Bond Retirement Account--State Appropriation.	\$23,205,000
Nondebt-Limit Reimbursable Account Appropriation.	\$17,282,000
Transportation Partnership Account--State Appropriation.	\$4,656,000
Motor Vehicle Account--State Appropriation.	\$658,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$2,605,000
Special Category C Account--State Appropriation.	\$82,000
Urban Arterial Trust Account--State Appropriation.	\$56,000
Transportation Improvement Account--State Appropriation.	\$26,000
Multimodal Transportation Account--State Appropriation.	\$161,000
TOTAL APPROPRIATION.	\$776,103,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation.	\$629,000
Motor Vehicle Account--State Appropriation.	\$89,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$352,000
Special Category C Account--State Appropriation.	\$11,000
Urban Arterial Trust Account--State Appropriation.	\$8,000
Transportation Improvement Account--State Appropriation.	\$4,000
Multimodal Transportation Account--State Appropriation.	\$22,000
TOTAL APPROPRIATION.	\$1,115,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction Account.	\$122,000,000
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The department of transportation is authorized to sell up to \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties.	\$488,843,000
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NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers.	\$1,310,279,000
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NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING-- TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers.

	\$129,178,000
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NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$5,288,000
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(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State.	\$12,000,000
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(3) Recreational Vehicle Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$1,645,000
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(4) License Plate Technology Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$2,750,000
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(5) Multimodal Transportation Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State.	\$20,000,000
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(6) Waste Tire Removal Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$5,000,000
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(7) Highway Safety Account--State Appropriation:

For transfer to the Multimodal Transportation Account--State.	\$15,000,000
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(8) Department of Licensing Services Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$1,500,000
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(9) State Patrol Highway Account--State Appropriation:

For transfer to the Motor Vehicle Account--State.	\$10,000,000
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(10) Motor Vehicle Account--State Appropriation:

For transfer to the High Occupancy Toll Lanes Operations Account.	\$1,000,000
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(11) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State.	\$14,000,000
(12) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.	\$30,000,000
(13) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State.	\$1,500,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State.	(\$34,000)
Grade Crossing Protective Account--State.	(\$2,000)
State Patrol Highway Account--State.	(\$12,723,000)
Motorcycle Safety Education Account--State.	(\$14,000)
High Occupancy Toll Lanes Operations Account--State.	(\$16,000)
Rural Arterial Trust Account--State.	(\$16,000)
Wildlife Account--State.	(\$12,000)
Highway Safety Account--State.	(\$1,543,000)
Highway Safety Account--Federal.	(\$46,000)
Motor Vehicle Account--State.	(\$8,240,000)
Puget Sound Ferry Operations Account--State.	(\$4,147,000)
Urban Arterial Trust Account--State.	(\$22,000)
Transportation Improvement Account--State.	(\$22,000)
County Arterial Preservation Account--State.	(\$18,000)
Department of Licensing Services Account--State.	(\$30,000)
Multimodal Transportation Account--State.	(\$138,000)
Tacoma Narrows Toll Bridge Account--State.	(\$24,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document Z9-2009.

NEW SECTION. Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT-- REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State.	\$14,000
State Patrol Highway Account--State.	\$2,409,000
Motorcycle Safety Education Account--State.	\$9,000
Puget Sound Capital Construction--State.	\$134,000
High Occupancy Toll Lanes Operations Account--State.	\$8,000
Rural Arterial Trust Account--State.	\$6,000
Wildlife Account--State.	\$6,000
Highway Safety Account--State.	\$1,011,000
Highway Safety Account--Federal.	\$22,000
Motor Vehicle Account--State.	\$7,783,000
Puget Sound Ferry Operations Account--State.	\$2,054,000
Urban Arterial Trust Account--State.	\$8,000
Transportation Improvement Account--State.	\$8,000
County Arterial Preservation Account--State.	\$6,000

Department of Licensing Services Account--State.....	\$12,000
Multimodal Transportation Account--State.	\$68,000
Tacoma Narrows Toll Bridge Account--State.	\$12,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document 6M-2009.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. Due to the state of the economy affecting state budgets, the state is reviewing agency spending plans to identify areas in which new technologies can be applied to achieve greater efficiencies, economies of scale, and save the state money. Information technology and communications is an area where the state can save millions of dollars, if managed well. If information technology and communications are managed poorly, by not planning effectively and taking advantage of new capabilities, this can also cost the state millions of dollars.

By July 1, 2009, each transportation agency is required to begin implementing a holistic virtualization strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs at the server, desktop, network, data storage, business continuance, and disaster recovery levels. This includes a disaster recovery strategy and roadmap, a unified storage strategy, a network

infrastructure plan, and a centralized management plan for servers and applications. The business needs, business strategy, and mission of each agency must be tied to the technical strategy, including the completion of an impact analysis showing a quantifiable return on investment analysis for cost savings/avoidance.

By July 1, 2009, due to the large increase in networks to move an increasingly large amount of data, transportation agencies are to begin implementing wide area network optimization technologies to improve application performance while decreasing continuing requests for additional bandwidth and save the state money.

By January 1, 2010, each transportation agency shall have a plan and begin its implementation for moving from legacy communication systems that are outdated and costly and implement new voice over internet protocol communications systems. Each agency is required to begin implementing a holistic communications and collaboration strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs, decrease statewide communication costs, and increase communications and collaboration capabilities.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

- (a) Transfers may only be made within each specific fund source referenced on the respective project list;
 - (b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;
 - (c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;
 - (d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;
 - (e) Transfers may not occur to projects not identified on the applicable project list; and
 - (f) Transfers may not be made while the legislature is in session.
- (2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.
- (3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.
- (4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

NEW SECTION. Sec. 605. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

- (1) Provisions that specify unsolicited proposals must meet predetermined criteria;

- (2) Provisions governing procedures for the cessation of negotiations and consideration;
- (3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;
- (4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and
- (5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:
 - (a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;
 - (b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and
 - (c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state. The commission may not accept or consider any unsolicited proposals before July 1, (~~2009~~) 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may transfer from the license plate technology account to the multimodal transportation account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

- (i) The costs are capital costs;
 - (ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and
 - (iii) Improvement costs are within the scope of legislative appropriations.
- (2) The report on the evaluations in this section is due by January 31, 2010.
 - (3) This section expires December 31, 2010.
 - (4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

- (i) Is a citizen of the United States;
- (ii) Is over the age of twenty-five years and under the age of seventy years;
- (iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this subsection may be increased ((in excess of the fiscal growth factor as provided in RCW 43.135.055)) through the fiscal year ending June 30, ((2009)) 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

((4)) During the ((2007-09)) 2007-2009 and 2009-2011 fiscal ((biennium)) biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 70.95.521 and 2007 c 518 s 708 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007- 2009 and 2009-2011 fiscal ((biennium)) biennia, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

Sec. 711. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special license plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ((2009)) 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 712. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 713. RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two- arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(1) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

~~((f))~~ (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((f))~~ (g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((f))~~ (h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

~~((f))~~ (i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3-46-120;))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or

exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(1) of this act.

Sec. 714. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

MISCELLANEOUS

NEW SECTION. Sec. 715. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 716. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Clibborn moved the adoption of amendment (461) to amendment (456):

On page 2 of the amendment, after line 3, insert:

"NEW SECTION, Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION Motor Vehicle Account--State Appropriation. \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects."

Renumber remaining sections in the part consecutively and correct internal references accordingly.

On page 2 of the amendment, line 27, decrease the Motor Vehicle Account--State Appropriation by \$420,000

On page 2 of the amendment, line 30, after "purposes" strike "and for the operation of the department of archaeology and historic preservation"

On page 21 of the amendment, line 19, strike all of subsection (2)

Renumber remaining subsections in the section consecutively and correct internal references accordingly.

On page 30 of the amendment, line 16, increase the Small City Pavement and Sidewalk Account--State Appropriation by \$1,179,000

On page 32 of the amendment, line 23, after "that" strike all material through "continues," on line 24

On page 32 of the amendment, line 26, after "document" insert ", provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-2011 and 2011-2013 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council"

On page 36 of the amendment, line 32, after "includes a" strike "\$35,000,000" and insert "\$30,003,473"

On page 59 of the amendment, line 30, after "legislature" insert ". Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-2009 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects"

On page 59 of the amendment, line 35, after "list" insert ", except for those projects that were expected to be completed in the 2007-2009 biennium"

Representatives Clibborn and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (461) to amendment (456) was adopted.

Representative Condotta moved the adoption of amendment (468) to amendment (456):

On page 4, beginning on line 20, strike all of subsection (1)

Renumber the remaining subsections consecutively

On page 70, beginning on line 30, strike all of section 713

Renumber the remaining sections consecutively.

Representatives Condotta and Hurst spoke in favor of the adoption of the amendment to amendment (456).

Amendment (468) to amendment (456) was adopted.

Representative Simpson moved the adoption of amendment (482) to amendment (456):

On page 5 of the amendment, line 25, increase the Motor Vehicle Account--State appropriation by \$350,000

On page 6 of the amendment, after line 10, insert the following:

"(3) \$350,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the co-chairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations and practices. It shall also account for the 1976 interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by September 1, 2009."

On page 36 of the amendment, beginning on line 8, strike all of subsection (17) and insert the following:

"(17) The legislature is committed to the timely completion of R&A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009."

Representatives Simpson and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (482) to amendment (456) was adopted.

Representative Rolfes moved the adoption of amendment (470) to amendment (456):

On page 13, line 15, decrease the Motor Vehicle Account--State Appropriation by \$2,000,000.

On page 13, line 21, correct the total.

On page 42, line 4, decrease the Puget Sound Capital Construction Account--State Appropriation by \$4,000,000.

On page 42, line 10, decrease the Transportation 2003 Account (Nickel Account)--State Appropriation by \$10,594,650.

On page 42, line 14, correct the total.

On page 42, line 27, strike "\$57,031,000" and insert "\$46,436,350"

On page 42, after line 35, insert the following:

"(3) \$12,900,000 of the Transportation 2003 Account (Nickel Account)--State Appropriation is provided solely for the acquisition of two new 144-auto capacity ferry vessels. Cost savings from the following initiatives are included in the funding of these vessels: Washington state ferries' review and update of their vessel life cycle

cost model as required by section 309 of this act, and the department of transportation's implementation of technology efficiencies as required by section 602 of this act.

(4) It is the intent of the legislature that the ferry vessel construction and future preservation costs associated with the newly constructed vessels and according to the procurement schedule as outlined in this subsection be funded with a total of \$537,255,595 over sixteen years, beginning with the 2009-2011 biennium."

On page 44, at the end of line 10, insert the following:

"(11) The Washington state ferries shall review and update their vessel life cycle cost model and report the results to the House and Senate transportation committees of the legislature by December 1, 2009."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Rolfes and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (470) to amendment (456) was adopted.

Representative Shea moved the adoption of amendment (466) to amendment (456):

On page 15, line 23, after "request." insert: "If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the date of notice that the former owner intends to repurchase the property, that right shall be extinguished."

Representatives Shea and Goodman spoke in favor of the adoption of the amendment to amendment (456).

Amendment (466) to amendment (456) was adopted.

Representative Roach moved the adoption of amendment (464) to amendment (456):

On page 23, line 27 of the striking amendment, decrease the multimodal transportation account--state appropriation by \$500,000
On page 23, line 32 of the striking amendment, correct the total.

Representatives Roach, Klippert and Short spoke in favor of the adoption of the amendment to amendment (456).

Representative Upthegrove spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (464) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (464) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick

Amendment (464) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (464) to amendment (456) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.

SHERRY APPLETON, 23rd District

Representative Seaquist moved the adoption of amendment (453) to amendment (456):

On page 28, after line 19, insert the following:

"(9) As a priority task, the Washington state ferries is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or

officers must:

(i) Have the appropriate training and experience as determined by the policy;

(ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW."

Representatives Seaquist and Angel spoke in favor of the adoption of the amendment to amendment (456).

Amendment (453) to amendment (456) was adopted.

Representative Clibborn moved the adoption of amendment (483) to amendment (456):

On page 34, line 4 of the striking amendment, strike "\$1,258,269,000" and insert "\$1,261,656,000"

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$62,069,026 of the transportation partnership account--state appropriation and \$113,044,224 of the transportation 2003 account (nickel account)--state appropriation and \$1,411 of the freight mobility multimodal account--state appropriation and \$181,524 of the motor vehicle account--private/local appropriation and \$62,318,460 of the motor vehicle account--federal appropriation are provided solely for project 300504A, the I-5/Tacoma HOV Improvements project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(27) \$2,297,110 of the transportation partnership account--state appropriation is provided solely for project 330215A, the SR 302/Creviston to Purdy Vicinity project as indicated in the LEAP Transportation Document referenced in subsection (1) of this section."

(28) \$1,500,000 of the transportation 2003 account (nickel account)--state appropriation and \$590,737 of the motor vehicle account--federal appropriation are provided solely for project 370401A, the state route 704/cross base highway--new alignment project as indicated in the LEAP transportation document referenced in subsection (1) of this section."

Representatives Clibborn and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (483) to amendment (456) was adopted.

Representative Roach moved the adoption of amendment (463) to amendment (456):

On page 35, beginning on line 34, strike all of subsection (15) and insert the following:

"(15) The state's allocation of \$2.4 billion for the Alaskan Way viaduct replacement project shall be re-allocated as follows:

(a) \$1.9 billion for the deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel.

(b) \$300 million for the state route number 520 bridge replacement project.

(c) \$200 million for highway projects located in Pierce county."

Representative Roach spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (463) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (463) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Sells, Shea, Short, Smith, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (463) to amendment (456) was not adopted.

Representative Roach moved the adoption of amendment (517) to amendment (456):

On page 35, beginning on line 34, strike all of subsection (15) and insert the following:

"(15) The state's allocation of \$2.4 billion for the Alaskan Way viaduct replacement project shall be re-allocated as follows:

- (a) \$1.9 billion for the deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel.
- (b) \$300 million for the state route number 520 bridge replacement project.
- (c) \$100 million for highway projects located in Pierce County.
- (d) \$50 million for the North Spokane Corridor project.
- (e) \$50 million for the Columbia River Crossing project."

Representatives Roach, Ericksen, Shea, Orcutt and Klippert spoke in favor of the adoption of the amendment to amendment (456).

Representatives Clibborn, Seaquist, Hudgins and Hasegawa spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (517) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (517) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused Representative Flannigan.

Amendment (517) to amendment (456) was not adopted.

Representative Roach moved the adoption of amendment (465) to amendment (456):

On page 35, line 35, after "with" strike "Engrossed Substitute Senate Bill No. 5768" and insert "House Bill No. 2036"

On page 39, after line 7, insert the following:

"NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I
 Transportation Partnership Account--State
 Appropriation..... \$675,000,000

TOTAL APPROPRIATION..... \$675,000,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000,000 of the transportation partnership account--state appropriation is provided solely for construction of the north Spokane corridor of state route number 395 in Spokane.
- (2) \$100,000,000 of the transportation partnership account--state appropriation is provided solely for the construction of a new freeway on state route number 167 from Tacoma to Puyallup.
- (3) \$75,000,000 of the transportation partnership account--state appropriation is provided solely for the Columbia river crossing project on Interstate 5 in Clark county.
- (4) \$75,000,000 of the transportation partnership account--state appropriation is provided solely for widening and mobility improvement projects on state route number 167 from Kent to the Pierce county line.
- (5) \$50,000,000 of the transportation partnership account--state appropriation is provided solely for safety improvements and widening of state route number 2 from state route number 9 at milepost 5 to the King county line at Stevens Pass near milepost 64.
- (6) \$50,000,000 of the transportation partnership account--state appropriation is provided solely for widening and mobility improvement projects on state route number 9 from Snohomish through Arlington.
- (7) \$50,000,000 of the transportation partnership account--state is provided solely for the widening of state route number 12 from Tri-Cities to Walla Walla.
- (8) \$25,000,000 of the transportation partnership account--state appropriation is provided solely for fish passage barriers.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State
 Appropriation..... \$325,000,000
 TOTAL APPROPRIATION..... \$325,000,000

The appropriation in this section is subject to the following conditions and limitations and shall be expended solely for the projects listed in this section:

- (1) SR 502/I-5 to Battle Ground;
- (2) SR 704/Cross Base Highway - New Alignment;
- (3) SR 20/Sharpes Corner Vicinity - New Interchange;
- (4) SR 28/Jct US 2 and US 97 to 9th St, Stage 1 - New Alignment;
- (5) I-405/NE 44th St to 112th Ave SE - Widening;
- (6) SR 161/36th to Vicinity 24th St E - Widen to 5 lanes; and
- (7) Longview elementary school pedestrian underpass under the Columbia Basin railroad in Moses Lake.
- (8) I-90 two-way transit and HOV improvements.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Transportation Partnership Account--State
 Appropriation..... \$162,000,000
 TOTAL APPROPRIATION..... \$162,000,000

The appropriation in this section is subject to the following conditions and limitations: \$162,000,000 is provided solely for construction of one 144-car class ferry."

Re-number remaining sections consecutively and correct internal references accordingly.

Representative Roach, Rodne, Ericksen, Shea and Anderson spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (465) amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (465) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 46; Nays: 51; Absent: 0; Excused: 1

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Smith, Sullivan, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Springer, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (465) to amendment (456) was not adopted.

Representative Schmick moved the adoption of amendment (480) to amendment (456):

On page 36, line 18, after "project." insert "As a first priority, the department shall add a right turn lane to improve visibility and traffic flow at the intersection of US 195 and Cheney-Spokane road."

Representatives Schmick, Driscoll and Parker spoke in favor of the adoption of the amendment to amendment (456).

Amendment (480) to amendment (456) was adopted.

Representative Nelson moved the adoption of amendment (457) to amendment (456):

On page 37, beginning on line 9 of the striking amendment, strike all of subsection (23)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Nelson and Orwall spoke in favor of the adoption of the amendment to amendment (456).

Representative Roach spoke against the adoption of the amendment to amendment (456).

Amendment (457) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (460) to amendment (456):

On page 39 of the amendment, after line 7, insert the following:
"(26) \$444,832,380 of the transportation partnership account--state appropriation, \$87,574,439 of the transportation 2003 account (nickel account) appropriation, \$5,199,924 of the motor vehicle account--private/local appropriation, and \$59,660,070 of the motor vehicle account--federal appropriation are provided solely for the Alaskan Way viaduct replacement project, including both the construction of the deep bore tunnel and removal of the viaduct, identified as project number 809936Z on the LEAP transportation document referenced in subsection 1 of this section. The project shall be delivered in a manner that is both on time and within budget.

The state's total contribution to the Alaskan Way viaduct replacement project shall not exceed \$2,400,000,000. The funds appropriated in this section, and all future appropriations for this project, are subject to the following conditions:

(a)(i) The legislature understands that the port of Seattle intends to contribute at least \$300,000,000 to the Alaskan Way viaduct replacement project. By no later than September 30, 2010, the department of transportation shall enter into a binding agreement with the port, which must commit the port to contribute at least \$300,000,000 to the project.

(ii) If the agreement in subsection (a)(i) of this subsection is not executed by September 30, 2010, then:

(A) No appropriated funds under this subsection may be expended after that date for the purposes of the viaduct replacement project if the funds have not been obligated to the project, and any remaining funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (a)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section;

(b)(i) The department of transportation has determined that construction of the deep bore tunnel will begin by December 2011.

(ii) If the construction of the deep bore tunnel in subsection (b)(i) of this subsection does not begin by December 2011, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (b)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section;

(c)(i) The department of transportation has determined that the south end viaduct replacement project, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and is estimated to cost no more than \$556,000,000.

(ii) If the south end viaduct replacement project under subsection (c)(i) of this subsection is not completed by 2013 or within its estimated cost, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (c)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section; and

(d)(i) The department of transportation has determined that the transit enhancements and other improvements in the south end, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and are estimated to cost no more than \$110,000,000.

(ii) If the transit enhancements and other improvements under subsection (d)(i) of this subsection are not completed by 2013 or within the estimated amount, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (d)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section."

Representative Ericksen spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (460) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Appleton was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (460) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 48; Nays: 48; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Orcutt, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Van De Wege, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Goodman, Grant-Herriot, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Wallace, White, Williams and Wood.

Excused: Representatives Appleton and Flannigan.

Amendment (460) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (460) to amendment (456) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.

DAVE UPTEGROVE, 33rd District

Representative Upthegrove moved the adoption of amendment (471) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$13,977,496 of the transportation partnership account--state appropriation is a reappropriation provided solely for project 850901F, as identified in the LEAP transportation document in subsection (1) of this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief. However, this appropriation shall be reduced to reflect expenditures previously made during the 2007-09 fiscal biennium."

Representative Upthegrove spoke in favor of the adoption of the amendment to amendment (456).

Representative Roach spoke against the adoption of the amendment to amendment (456).

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 60 – YEAS; 36 – NAYS.

Amendment (471) to amendment (456) was not adopted.

Representative Andersen moved the adoption of amendment (472) to amendment (456):

On page 39 of the amendment, after line 7, insert the following:

"(26)(a) \$4,000,000 of the transportation partnership account appropriation is provided solely for project 840567B, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 132nd New Interchange. The appropriation of transportation partnership account funds for project 809936Z, the Alaskan Way viaduct replacement project, shall be reduced by \$4,000,000.

(b)(i) It is the intent of the legislature that \$72,753,000 of transportation partnership account future appropriation be applied to project 840567B, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 132nd New Interchange, so as to deliver the project by the end of the 2013-2015 biennium as provided in LEAP Transportation Document 2008-1, Highway Improvement Program (I) as developed March 10, 2008.

(ii) It is the intent of the legislature that \$144,505,000 of transportation partnership account future appropriation be applied to project 840508A, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 44th St to 112th Ave SE Widening, so as to deliver the project by the end of the 2021-2023 biennium as provided in LEAP Transportation Document 2008-1, Highway Improvement Program (I) as developed March 10, 2008.

(iii) It is the intent of the legislature the amount of transportation partnership account funds programmed in the future for project 809936Z, as identified in the LEAP transportation document in subsection (1) of this section: the Alaskan Way viaduct replacement project, be reduced by the amounts required to fund the projects in subsections (b)(i) and (b)(ii) of this subsection."

Representative Anderson spoke in favor of the adoption of the amendment to amendment (456).

Representative Carlyle spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (472) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (472) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 43; Nays: 53; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Maxwell, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Sullivan, Taylor, Wallace, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Appleton and Flannigan.

Amendment (472) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (472) to amendment (456) on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.

FRANK CHOPP, 43rd District

Representative Clibborn moved the adoption of amendment (474) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for the Interstate 90 Two Way Transit and HOV Improvement -- Stage 2 and 3 project. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project."

Representative Clibborn spoke in favor of the adoption of the amendment to amendment (456).

Amendment (474) to amendment (456) was adopted.

Representative Eddy moved the adoption of amendment (478) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) Eastside state route 520 improvements shall be designed and constructed to accommodate a future eastbound slip ramp in the vicinity of state route 520 and the 148th Avenue Northeast interchange. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design and analysis of an eastbound slip ramp in the vicinity of state route 520 eastbound and 148th Avenue Northeast."

Representative Eddy spoke in favor of the adoption of the amendment to amendment (456).

Amendment (478) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (484) to amendment (456):

On page 39, after line 7, insert the following:

"(26) Amounts appropriated in this section for the I-90/two way transit and high occupancy vehicle improvements are provided solely upon the condition that sound transit agree to cease sponsorships of or donations to any non-profit advocacy groups."

Representatives Ericksen, Anderson, Erickson (again) and Roach spoke in favor of the adoption of the amendment to amendment (456).

Representative Nelson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (484) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (484) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 44; Nays: 52; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Finn, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia,

Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton and Flannigan.

Amendment (484) to amendment (456) was not adopted.

Representative Ericksen moved the adoption of amendment (485) to amendment (456):

On page 39 of the amendment, after line 7, insert the following:

"(26)(a) It is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(b) The state route number 99 Alaskan Way viaduct replacement project finance plan shall be structured as a public private partnership as specified in this subsection and in (c) and (d) of this subsection. State and private funds that constitute the finance plan must be used solely to build a replacement tunnel, as described in subsection (a) of this subsection, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(c)(i) The state's contribution toward the Alaskan Way viaduct replacement project must not exceed two billion four hundred million dollars. The state's contribution shall be financed, in part, by a public private partnership as described in (c)(ii) of this subsection.

(ii) The secretary of transportation or the secretary's designee shall, after consultation with King County and the city of Seattle, solicit proposals and enter into an agreement with a private entity to finance at least fifty percent of the state's contribution of two billion four hundred million dollars through tolling, dedication of future tax revenues generated by development in the area of the tunnel and existing viaduct, tax incentives, tax increment financing, and other financing tools for construction of the deep bore tunnel and removal of the existing viaduct.

(A) The agreement must retain state ownership of the state route number 99 Alaskan Way viaduct.

(B) The department shall negotiate the terms and compensation due to the private entity under the agreement. The total amount of compensation to be agreed upon must be comprised of a mix of funds from tolling revenue and financing tools described in (c)(ii) of this subsection. The department shall make every effort to maximize compensation from tax incentives and other financing tools, and minimize direct payments from toll revenue. Payments to private entities must be completed within twenty-five years of the date the project is complete.

(C) Any bonds issued to support the finance plan must be issued by the private entity.

(iii) For the purpose of facilitating construction and to assist the private entity in the development, construction, maintenance, and operation of the deep bore tunnel, the agreement must, as required by

the private entity, include provisions for the department of transportation to exercise its authority, including the following: Leasing of facilities, rights-of-way, and airspace; exercising the power of eminent domain; granting development rights and opportunities; granting necessary easements and rights of access; issuing permits and other authorizations; granting contractual and real property rights; and negotiating acquisition of rights-of-way in excess of appraised value and any other provision deemed necessary.

(iv) Operation and maintenance services to be provided by the private entity include, but are not limited to, roadway maintenance and repair, drainage maintenance and repair, and tunnel maintenance.

(d) After entering into an agreement under subsection (b) of this subsection, the department shall redirect at least one billion dollars of the state's planned contribution to the Alaskan Way viaduct replacement project in the transportation partnership account. At least five hundred million dollars shall be programmed on projects to develop the US 395/North Spokane Corridor. At least five hundred million dollars shall be programmed on the Interstate 5/Columbia River Crossing project."

Representatives Ericksen, Anderson, Anderson (again), Roach, and Ericksen (again) spoke in favor of the adoption of the amendment to amendment (456).

Representatives Liias and Simpson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (485) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Hurst was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (485) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton, Flannigan and Hurst.

Amendment (485) to amendment (456) was not adopted.

Representative Seaquist moved the adoption of amendment (525) to amendment (456):

On page 44, after line 10, insert the following:

"(11) The Washington state ferries shall review and update their vessel life cycle cost model and report the results to the House and Senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods."

Representatives Seaquist and Angel spoke in favor of the adoption of the amendment to amendment (456).

Amendment (525) to amendment (456) was adopted.

Representative Armstrong moved the adoption of amendment (518) to amendment (456):

On page 44, line 15, strike "\$9,416,000", and insert "\$13,100,000"

On page 44, line 22, strike "\$123,836,000", and insert "\$127,520,000"

On page 45, after line 5, insert the following:

"(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop."

Representatives Armstrong and Liias spoke in favor of the adoption of the amendment to amendment (456).

Amendment (518) to amendment (456) was adopted.

Representative Armstrong moved the adoption of amendment (467) to amendment (456):

On page 48, after line 21, insert the following:

"(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars."

Representatives Armstrong and Grant-Herriot spoke in favor of the adoption of the amendment to amendment (456).

Representative Cox spoke against the adoption of the amendment to amendment (456).

Amendment (467) to amendment (456) was adopted.

Representative Rolfes moved the adoption of amendment (477) to amendment (456):

On page 49, line 19, after "(2)" strike "\$2,879,000" and insert "\$2,729,000"

On page 49, after line 22, insert the following:

"(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant."

Renumber the subsections consecutively and correct any internal references accordingly.

Representative Rolfes spoke in favor of the adoption of the amendment to amendment (456).

Amendment (477) to amendment (456) was adopted.

Representative Van De Wege moved the adoption of amendment (519) to amendment (456):

On page 51, after line 6 of the striking amendment, insert the following:

"(11) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 Northeast Peninsula Safety Rest Area and associated roadway improvements east of Port Angeles at the Deer Park Scenic View Point. The department must surplus any right of way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right of way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right of way sale is completed."

Representative Van De Wege spoke in favor of the adoption of the amendment to amendment (456).

Amendment (519) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (469) to amendment (456):

On page 61, beginning on line 9 of the striking amendment, strike all of section 702

Renumber the remaining sections consecutively.

Representatives Ericksen, Anderson, Ericksen (again), and Klippert spoke in favor of the adoption of the amendment to amendment (456).

Representatives Wood and Simpson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (469) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (469) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 38; Nays: 57; Absent: 0; Excused: 3

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton, Flannigan and Hurst.

Amendment (469) to amendment (456) was not adopted.

Amendment (456) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Moeller, Takko, Rolfes, Campbell, Seaquist and Carlyle spoke in favor of the passage of the bill.

Representatives Roach, Ericksen, Klippert, Orcutt, Armstrong, Cox and Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the House, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, Orcutt, Priest, Probst, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Appleton, Flannigan and Hurst.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1000

HOUSE BILL NO. 1042
 HOUSE BILL NO. 1058
 ENGROSSED HOUSE BILL NO. 1059
 SUBSTITUTE HOUSE BILL NO. 1067
 HOUSE BILL NO. 1068
 SUBSTITUTE HOUSE BILL NO. 1110
 HOUSE BILL NO. 1156
 HOUSE BILL NO. 1195
 HOUSE BILL NO. 1270
 HOUSE BILL NO. 1288
 SUBSTITUTE HOUSE BILL NO. 1319
 HOUSE BILL NO. 1339
 SUBSTITUTE HOUSE BILL NO. 1415
 HOUSE BILL NO. 1437
 ENGROSSED HOUSE BILL NO. 1513
 HOUSE BILL NO. 1515
 HOUSE BILL NO. 1548
 HOUSE BILL NO. 1551
 HOUSE BILL NO. 1675
 HOUSE BILL NO. 1844
 HOUSE BILL NO. 1852
 SUBSTITUTE HOUSE BILL NO. 1953
 HOUSE BILL NO. 2206
 SUBSTITUTE SENATE BILL NO. 5151
 SENATE BILL NO. 5413
 SUBSTITUTE SENATE BILL NO. 5469
 SENATE BILL NO. 5492
 SENATE BILL NO. 5511
 SENATE BILL NO. 5542
 SUBSTITUTE SENATE BILL NO. 5551
 SENATE BILL NO. 5562
 ENGROSSED SENATE BILL NO. 5581
 SUBSTITUTE SENATE BILL NO. 5677
 SUBSTITUTE SENATE BILL NO. 5705
 SUBSTITUTE SENATE BILL NO. 5839
 SENATE BILL NO. 5952
 SENATE BILL NO. 5989
 SUBSTITUTE SENATE BILL NO. 6019

The Speaker called upon Representative Morris to preside.

POINT OF PERSONAL PRIVILEGE

Representative Clibborn introduced the House Transportation staff and asked the Chamber to acknowledge them.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2328
 SENATE BILL NO. 5002
 SUBSTITUTE SENATE BILL NO. 5005
 SUBSTITUTE SENATE BILL NO. 5044
 SECOND SUBSTITUTE SENATE BILL NO. 5045
 SUBSTITUTE SENATE BILL NO. 5117
 SUBSTITUTE SENATE BILL NO. 5229
 SUBSTITUTE SENATE BILL NO. 5248
 SUBSTITUTE SENATE BILL NO. 5267
 SUBSTITUTE SENATE BILL NO. 5270
 SUBSTITUTE SENATE BILL NO. 5301
 SENATE BILL NO. 5412
 ENGROSSED SUBSTITUTE BILL NO. 5519
 SUBSTITUTE SENATE BILL NO. 5610
 SUBSTITUTE SENATE BILL NO. 5616
 SECOND SUBSTITUTE SENATE BILL NO. 5676

SUBSTITUTE SENATE BILL NO. 5723
SUBSTITUTE SENATE BILL NO. 5760
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889
SECOND SUBSTITUTE SENATE BILL NO. 5945
SUBSTITUTE SENATE BILL NO. 6016
SENATE JOINT MEMORIAL NO. 8001

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 13, 2009, the 92nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk