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## FIFTY NINTH DAY

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House Chamber, Olympia, Wednesday, March 7, 2012

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

The flags were escorted to the rostrum by Civil Air Patrol McChord Squadron Color Guard consisting of Cadet Cpt. Ashlyn Holbert, Cadet Cpt. Timothy Sizemore, Cadet Senior Airman Nece Kornegay, Cadet Tech Sgt. Max Warren II and Cadet Chief Master Sgt. Galilee McCarrell. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplin Major Dave Franklin, Civil Air Patrol, Yakima Composite Squadron.

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

### RESOLUTION

#### **HOUSE RESOLUTION NO. 4683, by Representatives Pettigrew and Santos**

WHEREAS, The Rainier Beach Vikings are the 2012 State 3A Boys Basketball Champions, defeating the top-ranked Seattle Prep Panthers 61 - 58; and

WHEREAS, This championship reflects the depth of the hard work of the student athletes at Rainier Beach High School, as well as the ambition, respect, and determination necessary to be a successful team, a championship team; and

WHEREAS, A state championship also reflects the tremendous sacrifices of coaches, teachers, family, and friends, as well as the support of the entire community, and coach Mike Bethea deserves recognition for his excellent coaching and guidance, leading this team of young men to victory; and

WHEREAS, The Seattle Prep community, including staff, parents, and students, also came out to show their support for their own team, the Seattle Prep Panthers; and

WHEREAS, This body would like to recognize the efforts and hard work of Rainier Beach junior Marquis Davis, who was subsequently named as the game's Most Valuable Player, and who scored 30 points throughout the course of the championship game, working alongside his teammates to achieve victory; and

WHEREAS, The excellent tradition of continual success reflects the outstanding leadership at the Seattle School District;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Rainier Beach Vikings Boys Basketball Team and the Rainier Beach community for their well-earned championship title, and for their incredible sense of community, pride, and student excellence.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4683

HOUSE RESOLUTION NO. 4683 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 4684, by Representative Johnson**

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The A.C. Davis High School Pirates Boys Basketball Team from Yakima displayed extraordinary excellence in winning the 2012 Class 4A state championship; and

WHEREAS, A.C. Davis High School Pirates Basketball Head Coach Eli Juárez led his team to win the state basketball championship for Davis for the first time since 1965; and

WHEREAS, The A.C. Davis High School Pirates Boys Basketball Team gave their entire effort in a close game, and pulled out an historic 48-42 victory over Spokane's Central Valley in the Tacoma Dome; and

WHEREAS, The A.C. Davis High School Pirates Boys Basketball Team has qualified for the state tournament 10 times and brought home eight trophies, including championships in 1965 and 2012, third place in 1980, fourth place in 1982, fifth place in 1999 and 2011, and eighth place in 2000 and 2004;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the A.C. Davis High School Pirates Boys Basketball Team: Michael Acosta, Levonte Allen, Chris Chapman, Josh Gasseling, Max Jones, Sam Knox, Cooper Kupp, Nikhil Lizotte, Davonte Luckett, Raymond Navarro III, Carlos Perea Vijarro, David Trimble, Deion Wright, and Head Coach Eli Juárez, Varsity Assistant Coach John Felton, Assistant Coaches David Trimble, Robert Harris, Vicente J. Sánchez, and Athletic Director Bob Stanley, for their outstanding accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to A.C. Davis High School Pirates Basketball Head Coach Eli Juárez, the members of the A.C. Davis High School Pirates Boys Basketball Team, principal of A.C. Davis High School, Ben Ramirez, and Superintendent Dr. Elaine Beraza.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4684

HOUSE RESOLUTION NO. 4684 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 4687, by Representatives Zeiger and Dammeier**

WHEREAS, Four thousand members of the Second Brigade, Second Infantry Division, better known as the Second Stryker Brigade, from Joint Base Lewis McChord, are preparing to deploy to Afghanistan; and

WHEREAS, The Second Stryker Brigade will continue the work of supporting the Afghan government and ensuring security to the Afghan people; and

WHEREAS, The Second Stryker Brigade has previously been deployed to Iraq, to aid in the support of United States military operations; and

WHEREAS, The freedom and security enjoyed by the people of Washington State are a result of the daily work and excellence, as well as the courage and patriotism, of the Second Stryker Brigade; and

WHEREAS, It is important to recognize the sacrifice, dedication, and strength of the families of the men and women who serve in the Second Stryker Brigade;

WHEREAS, Citizens of the State of Washington owe a debt of gratitude to the Second Stryker Brigade;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and recognize the men and women of the Second Stryker Brigade; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members of the Second Stryker Brigade.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4687

HOUSE RESOLUTION NO. 4687 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) "Would the gentleman from the 13<sup>th</sup> District approach the rostrum and take a seat of honor."

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 4682**, by Representatives **Chopp, DeBolt, Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darnelle, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, and Zeiger**

WHEREAS, Washington State Representative Bill Hinkle has served the people of the 13th Legislative District and Washington with distinction and honor for five terms; and

WHEREAS, Each of Representative Hinkle's years of outstanding service to his constituents and communities are examples of his compassion, dedication, integrity, and principles; and

WHEREAS, Representative Hinkle serves in House Republican leadership as minority whip, and is a member of the House Agriculture and Natural Resources, Health Care and Wellness, Ways and Means committees; and

WHEREAS, Representative Hinkle has announced he will not seek reelection to the Washington State House of Representatives this year; and

WHEREAS, Representative Hinkle and his beautiful wife, Debra, live in Cle Elum; and

WHEREAS, Representative Hinkle has three wonderful children – sons Kevin and Daniel, and daughter Rebekah; and

WHEREAS, Representative Hinkle is a devoted Christian, a leader in the Antiochian Orthodox Christian Archdiocese of North America, and president of the Antiochian House of Studies Alumni Association; and

WHEREAS, Representative Hinkle, a Tacoma native, attended Tacoma Community College and South Puget Sound Community College, completed paramedic training at the University of Washington, and is pursuing a master's program at the Antiochian House of Studies based in Ligonier, Pennsylvania; and

WHEREAS, Representative Hinkle is an avid outdoorsman who likes to fish, hunt, and golf; and

WHEREAS, Representative Hinkle has been a stalwart in his communities, including involvement in the Elks Club, Hope Source of Ellensburg, Mountains to Sound Greenway Trust, National Rifle Association, Nature Conservancy, Rocky Mountain Elk Foundation, Rotary International, Washington Cattlemen's Association, and Yakima Regional Medical Center; and

WHEREAS, Representative Hinkle is of strong civic-mindedness with past commitments to the Greater Columbia Behavioral Health Regional Support Network, Kittitas County Economic Development Group, Kittitas County Planning Commission, South Central Washington Resource Conservation and Development Council, and Union President for IAFF Local 2595; and

WHEREAS, Representative Hinkle has an accomplished professional resume, with experiences as a business consultant, founder and former CEO of the Jennifer Dunn Leadership Institute, general contractor, health insurance broker, journeyman stone and brick mason, Kittitas County commissioner, professional paramedic and firefighter, real estate and development consultant, state representative, and river guide; and

WHEREAS, Representative Hinkle has served with distinction on the Governor's EMS/Trauma Steering Committee, Governor's Fuel Accident Prevention and Response Team, Joint Select Committee on Health Care Reform Implementation, Joint Senate House Task Force on Child Safety and Welfare, Municipal Research Council, Shoreline Hearings Board, Washington State Blue Ribbon Commission on Health Care Costs and Access, Washington State Horse Park Authority, Washington State Jury Commission, and Washington State Pipeline Safety Committee; and

WHEREAS, Representative Hinkle's friendship, honesty, humor, kindness, and sincerity will truly be missed by this legislative body;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate and commemorate Representative Hinkle's dedicated service, personal and professional integrity, devoted faith, and love of family; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Hinkle and his family.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4682

Representatives DeBolt, Cody, Ross, Pettigrew, Armstrong, Dickerson, Kretz, Wylie, Walsh, Hunt, Kristiansen, Orcutt, Kagi and Shea spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4682 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) "The Speaker is also very pleased to recognize Representative Bill Hinkle's family who are seated in the north gallery today. His wife Debra, son Danielle, daughter Rebecca and Sister Sue (his son Kevin is

not able to join us) would they please stand and be recognized by this body. Thank you.”

**SPEAKER’S PRIVILEGE**

The Speaker (Representative Moeller presiding) “The Speaker is also very pleased to recognize members of the Civil Air Patrol who have joined us today, the House previously adopted House Resolution 4662 recognizing the Washing State wing of the Civil Air Patrol, will they please stand and be recognized. Thank you.”

**INTRODUCTIONS AND FIRST READING**

ESB 6608 by Senators Harper, Pflug, Frockt, Kline and Eide

AN ACT Relating to judicial stabilization trust account surcharges; and amending RCW 3.62.060, 36.18.018, and 36.18.020.

Referred to Committee on Ways & Means.

There being no objection, ENGROSSED SENATE BILL NO. 6608 was read the first time, and under suspension of the rules was placed on the second reading calendar.

**MESSAGES FROM THE SENATE**

March 7, 2012

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6159  
and the same are herewith transmitted.  
Thomas Hoemann, Secretary

March 7, 2012

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

    SUBSTITUTE SENATE BILL NO. 6493  
    ENGROSSED SUBSTITUTE SENATE BILL NO. 6555  
and the same are herewith transmitted.  
Thomas Hoemann, Secretary

March 7, 2012

MR. SPEAKER:

The President has signed:

    SECOND SUBSTITUTE SENATE BILL NO. 5343  
    SUBSTITUTE SENATE BILL NO. 6044  
    SUBSTITUTE SENATE BILL NO. 6081  
    SENATE BILL NO. 6082  
    ENGROSSED SUBSTITUTE SENATE BILL NO. 6103  
    SENATE BILL NO. 6223  
    SENATE BILL NO. 6545  
and the same are herewith transmitted.  
Thomas Hoemann, Secretary

March 6, 2012

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

    SUBSTITUTE SENATE BILL NO. 6138  
    SUBSTITUTE SENATE BILL NO. 6226  
    SUBSTITUTE SENATE BILL NO. 6240  
    ENGROSSED SENATE BILL NO. 6257  
    SUBSTITUTE SENATE BILL NO. 6386  
    SUBSTITUTE SENATE BILL NO. 6468  
    ENGROSSED SUBSTITUTE SENATE BILL NO. 6486  
    SENATE JOINT RESOLUTION NO. 8223

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2012

MR. SPEAKER:

The President has signed:

    SUBSTITUTE SENATE BILL NO. 5217  
    SUBSTITUTE SENATE BILL NO. 5246  
    ENGROSSED SENATE BILL NO. 5661  
    SUBSTITUTE SENATE BILL NO. 5982  
    SUBSTITUTE SENATE BILL NO. 5995  
    SUBSTITUTE SENATE BILL NO. 5997  
    SUBSTITUTE SENATE BILL NO. 6105  
    SUBSTITUTE SENATE BILL NO. 6116  
    SENATE BILL NO. 6134  
    SECOND SUBSTITUTE SENATE BILL NO. 6140  
    ENGROSSED SENATE BILL NO. 6155  
    ENGROSSED SUBSTITUTE SENATE BILL NO. 6237  
    SUBSTITUTE SENATE BILL NO. 6242  
    ENGROSSED SENATE BILL NO. 6254  
    SECOND SUBSTITUTE SENATE BILL NO. 6263  
    SUBSTITUTE SENATE BILL NO. 6328  
    SUBSTITUTE SENATE BILL NO. 6354  
    ENGROSSED SUBSTITUTE SENATE BILL NO. 6355  
    SUBSTITUTE SENATE BILL NO. 6359  
    SUBSTITUTE SENATE BILL NO. 6384  
    SUBSTITUTE SENATE BILL NO. 6403  
    SENATE BILL NO. 6412  
    SUBSTITUTE SENATE BILL NO. 6414  
    SUBSTITUTE SENATE BILL NO. 6444  
    SUBSTITUTE SENATE BILL NO. 6508

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2012

MR. SPEAKER:

The Senate has passed:

    ENGROSSED SENATE BILL NO. 6608  
and the same are herewith transmitted.  
Brad Hendrickson, Deputy, Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 6, 2012

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 with the following amendment:

Strike everything after the enacting clause and insert the following:

"2011-2013 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2011 c 367 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation ((\$430,000)) \$416,000

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.

Sec. 102. 2011 c 367 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation ((\$2,216,000)) \$1,728,000

Puget Sound Ferry Operations Account--State Appropriation ((\$4,624,000)) \$1,260,000

Multimodal Transportation Account--State Appropriation \$350,000

TOTAL APPROPRIATION ((\$6,840,000))

\$3,338,000

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

(1) The office of financial management, in consultation with the transportation committees of the legislature, shall conduct a budget evaluation study for the new traffic management center proposed by the department of transportation. The study must consider data resulting from the plan identified in section 604 of this act. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the study. The office of financial management shall select the budget evaluation study team members, contract for the study, and report the results to the transportation committees of the legislature and the department of transportation in a timely manner following the study. Options reviewed must include use of existing facilities, including the Wheeler building data center in Olympia. Funds allocated for the new traffic management center must be used by the office of financial management through an interagency agreement with the department of transportation to cover the cost of the study.

(2) ~~(\$4,480,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The appropriation is intended to fully fund a two year policy, and the office of financial management shall increase the deductible to \$10,000,000 and reduce components of the policy in order to keep the total cost of the two year policy at or below the appropriation in this subsection.~~

~~---~~(5)) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 103(2) of this act is intended to fully fund a two-year policy. For fiscal year 2012, the office of financial management shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 103(2) of this act.

(3) \$840,000 of the motor vehicle account--state appropriation is provided out of funds set aside out of statewide fuel taxes distributed

to counties according to RCW 46.68.120(3) solely for the office of financial management to contract with the Washington state association of counties to identify, evaluate, and implement performance measures associated with county transportation activities. The performance measures must include, at a minimum, those related to safety, system preservation, mobility, environmental protection, and project completion. A report on the county transportation performance implementation project must be provided to the transportation committees of the legislature by December 31, 2012.

~~((6))~~ (4) \$169,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

~~((7))~~ (5) \$40,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the state's share of the marine salary survey.

~~((8))~~ (6) The office of financial management shall study the available data regarding statewide transit, bicycle, and pedestrian trips and recommend additional performance measures that will effectively measure the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office of financial management shall report its findings and recommendations to the transportation committees of the legislature by November 15, 2011, and integrate the new performance measures into the report prepared by the office of financial management pursuant to RCW 47.04.280 regarding progress towards achieving Washington state's transportation system policy goals.

(7) \$350,000 of the multimodal transportation account--state appropriation is provided solely for the office of financial management to contract with a statewide organization representing Washington cities and a statewide organization representing Washington counties to work with the Washington state governor's office of regulatory assistance to:

(a) Fulfill completion of recent iPRMT enhancements developed to consolidate applications and expedite local, state, and regional transportation and public works maintenance permitting related to (i) general hydraulic project approval permits issued consistent with section 103(3), chapter 247, Laws of 2010 and (ii) section 106 consultations completed under the national historic preservation act;

(b) Work with local, state, and regional transportation and public works maintenance agencies to continue to support development of iPRMT enhancements and customizations based on applicant needs; and

(c) Provide outreach and training to advance the state's interest in continuing to leverage iPRMT web infrastructure to support and accelerate local, regional, and state transportation and public works planning, permitting, and compliance.

NEW SECTION. Sec. 103. A new section is added to 2011 c 367 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Motor Vehicle Account--State Appropriation \$462,000

Puget Sound Ferry Operations Account--State

Appropriation \$3,360,000

TOTAL APPROPRIATION \$3,822,000

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

(1) \$462,000 of the motor vehicle account--state appropriation is provided solely for the transportation executive information system.

(2) \$3,360,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 102(2) of this act is intended to fully fund a two-year policy. For fiscal year 2013, the department of enterprise services shall increase the deductible to ten million dollars and reduce components of the policy in order to keep

the total cost of the two-year policy at or below the appropriation in this subsection and section 102(2) of this act.

**NEW SECTION. Sec. 104.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Puget Sound Ferry Operations Account--State  
Appropriation ((~~\$95,000~~))

\$75,000

**Sec. 105.** 2011 c 367 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation ((~~\$1,210,000~~))  
\$1,185,000

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) \$686,000 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.

**Sec. 106.** 2011 c 367 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation ((~~\$513,000~~))  
\$494,000

**TRANSPORTATION AGENCIES--OPERATING**

**Sec. 201.** 2011 c 367 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account--State Appropriation ((~~\$3,003,000~~))  
\$2,983,000

Highway Safety Account--Federal Appropriation ((~~\$42,625,000~~))  
\$42,507,000

Highway Safety Account--Private/Local Appropriation \$50,000

School Zone Safety Account--State Appropriation \$3,340,000

TOTAL APPROPRIATION ((~~\$49,018,000~~))

\$48,880,000

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

(1) \$1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. State funding is provided in section 207 of this act for the state patrol to continue the target zero trooper program in fiscal year 2013.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety

camera may be used to detect speed violations within any one jurisdiction.

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

(b) In order to ensure adequate time in the 2011-2013 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2011.

(c) By January 1, 2013, 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 pilot projects.

(3) \$460,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(4) The commission shall conduct a review of the literature on potential safety benefits realized from drivers using their headlights and windshield wipers simultaneously and shall report to the transportation committees of the legislature by December 1, 2011.

(5) \$22,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2011-2013 fiscal biennium.

**Sec. 202.** 2011 c 367 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation ((~~\$948,000~~))  
\$915,000

Motor Vehicle Account--State Appropriation ((~~\$2,161,000~~))  
\$2,088,000

County Arterial Preservation Account--State  
Appropriation ((~~\$1,480,000~~))

\$1,428,000

TOTAL APPROPRIATION ((~~\$4,589,000~~))

\$4,431,000

The appropriations in this section are subject to the following conditions and limitations: The county road administration board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 203.** 2011 c 367 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account--State  
Appropriation ((~~\$3,707,000~~))

\$3,625,000

The appropriation in this section is subject to the following conditions and limitations: The transportation improvement board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were

achieved, and an explanation of any recommendations that were not implemented.

**Sec. 204.** 2011 c 367 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation (~~(\$2,060,000)~~)

\$2,028,000

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

(1) \$200,000 of the motor vehicle account--state appropriation is for a study of Washington state ferries fares that recommends the most appropriate fare media for use with the reservation system and the implementation of demand management pricing and interoperability with other payment methods. The study must include direct collaboration with transportation commission members.

~~((2))~~ (2) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination system) that are within city boundaries; (b) a survey of cities that impose storm water fees or charges to the department of transportation, or otherwise manage storm water runoff from state highways within their jurisdiction; (c) case studies from a representative cross-section of cities on how the department and cities have used RCW 90.03.525; and (d) recommendations on how to achieve efficiencies in the cost and management of state highway storm water runoff within cities under RCW 90.03.525.

~~((3))~~ (3) \$425,000 of the motor vehicle account--state appropriation is for the joint transportation committee to conduct a study to evaluate the potential for financing state transportation projects using public-private partnerships. The study must compare the costs, advantages, and disadvantages of various forms of public-private partnerships with conventional financing. Projects to be evaluated include Interstate 405, state route number 509, state route number 167, the Columbia River crossing, and the Monroe bypass. At a minimum, the study must identify the public interest in the financing and construction of transportation projects, the public interest in the operation of transportation projects, and the provisions in public-private partnership agreements that best protect the public interest. To the extent possible, the study must identify the lowest-cost and best-value model for each project that best protects the public interest. In addition, the study must evaluate whether public-private partnerships serve the defined public interest including, but not limited to, the advantage and disadvantage of risk allocation, the effects of private versus public financing on the state's bonding capacity, the state's ability to retain public ownership of the asset, the process that would allow for the most transparency during the negotiation of terms of a public-private partnership agreement, and the state's ability to oversee the private entity's management of the asset. The study must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers. The committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2011.

~~((4))~~ (4) \$100,000 of the motor vehicle account--state appropriation is for an investigation of the use of liquid natural gas on existing Washington state ferry vessels as well as the 144-car class vessels and report to the legislature by December 31, 2011.

(5) The joint transportation committee shall convene a study group to evaluate the most appropriate organization for the aviation search and rescue program, currently operating from the department of transportation's aviation division. The joint transportation committee shall invite a representative from the following organizations to

participate in meetings in the city of Olympia: The aircraft owners and pilots association; the Washington pilots association; the Washington wing of the civil air patrol; the civil air patrol - United States air force; the Washington department of transportation, aviation division; the emergency management division of the military department; the Washington association of search and rescue; and the Washington state patrol. The committee shall issue a report of its findings to the legislature by December 14, 2012, to include the following information:

(a) Where should aviation search and rescue operations be located to provide the maximum benefit for these searches?

(b) How should the duplication of services and training be addressed?

(c) Is the current structure the best use of state and federal funding?

(d) If aviation search and rescue is relocated, what should be the source of funding?

(6) The Columbia River Crossing bridge project is a major initiative to address congestion problems on I-5 between Portland, Oregon and Vancouver, Washington that requires support by not only the governors of both states but the legislatures as well. The joint transportation committee must convene a subcommittee for legislative oversight of the I-5/Columbia River Crossing bridge replacement project. The Columbia River Crossing legislative oversight subcommittee will be made up of six members, two appointed by the chair and ranking member of the senate transportation committee, two appointed by the chair and ranking member of the house of representatives transportation committee, one designee of the governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia River Crossing bridge.

**Sec. 205.** 2011 c 367 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation (~~(\$2,142,000)~~)

\$2,093,000

Multimodal Transportation Account--State Appropriation \$112,000

TOTAL APPROPRIATION (~~(\$2,254,000)~~)

\$2,205,000

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

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

~~((4))~~ (3) Consistent with its authority in RCW 47.56.840, the transportation commission shall consider the need for a citizen advisory group that provides oversight on new tolled facilities.

**Sec. 206.** 2011 c 367 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account--State Appropriation ~~((702,000))~~  
\$681,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 207.** 2011 c 367 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

~~((Vehicle Licensing Fraud Account--State Appropriation \$100,000))~~  
Ignition Interlock Device Revolving Account--  
State Appropriation \$106,000  
 State Patrol Highway Account--State  
 Appropriation ~~((349,812,000))~~  
\$350,605,000  
 State Patrol Highway Account--Federal  
 Appropriation \$10,903,000  
 State Patrol Highway Account--Private/Local  
 Appropriation ~~((3,369,000))~~  
\$3,494,000  
Highway Safety Account--State Appropriation \$712,000  
Multimodal Transportation Account--State Appropriation \$132,000  
 TOTAL APPROPRIATION ~~((364,184,000))~~  
\$365,952,000

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 must 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. Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section is no longer part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section 201(1) of this act.

(3) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of

the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) ~~((12,655,000))~~ \$12,166,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) ~~((7,421,000))~~ \$7,672,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) ~~((6,611,000))~~ \$6,689,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) ~~((1,724,000))~~ \$1,730,000 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.

(8) \$1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of the analysis to the transportation committees of the legislature by December 1, 2011.

(9) The Washington state 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.

(10) During the 2011-2013 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with Thurston county to transition the traffic accident investigations on Thurston county roads to Thurston county by July 1, 2013.

(11) ~~((100,000 of the vehicle licensing fraud account state appropriation is provided solely to support the transportation portion of the vehicle license fraud program during the 2011-2013 fiscal biennium))~~ \$2,187,000 of the state patrol highway account--state appropriation is provided solely for mobile office platforms.

(12) \$2,731,000 of the state patrol highway account--state appropriation is provided solely for the continuation of the target zero trooper program.

(13) \$712,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter . . . (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway safety account--state appropriation in this section assumes the revenue generated by the fees that the Washington state patrol is authorized to charge manufacturers, technicians, and other providers under Second Substitute House Bill No. 2443. Within the amounts provided in this subsection is funding for three additional troopers to provide oversight of the ignition interlock industry.

(14) \$132,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of chapter . . .

(Engrossed Substitute House Bill No. 1820), Laws of 2012 (blue alert system). If chapter ... (Engrossed Substitute House Bill No. 1820), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

**Sec. 208.** 2011 c 367 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account--State Appropriation \$32,000

Motorcycle Safety Education Account--State

Appropriation ~~(((\$4,411,000))~~

\$4,367,000

Wildlife Account--State Appropriation ~~(((\$859,000))~~

\$826,000

Highway Safety Account--State Appropriation ~~(((\$149,904,000))~~

\$148,102,000

Highway Safety Account--Federal Appropriation ~~(((\$2,884,000))~~

\$4,299,000

Highway Safety Account--Private/Local Appropriation \$200,000

Motor Vehicle Account--State Appropriation ~~(((\$78,586,000))~~

\$76,605,000

Motor Vehicle Account--Private/Local Appropriation ~~(((\$1,721,000))~~

\$1,714,000

Motor Vehicle Account--Federal Appropriation ~~(((\$242,000))~~

\$380,000

Department of Licensing Services Account--State

Appropriation ~~(((\$5,815,000))~~

\$6,095,000

Ignition Interlock Device Revolving Account--State

Appropriation \$1,315,000

TOTAL APPROPRIATION ~~(((\$245,769,000))~~

\$243,935,000

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

~~((1)) (\$62,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((2)) \$231,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((3)) (2) \$193,000 of the department of licensing services account--state appropriation is provided solely for a phased implementation of chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel quick titles). Funding is contingent upon revenues associated with the vehicle and vessel quick title program paying all direct and indirect expenditures associated with the department's implementation of this subsection. If chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((4) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards if applicants are provided the opportunity to opt out of participating in the program, which meets the requirement of RCW 46.20.037 that such a program be voluntary. 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.~~

~~((5) \$1,938,000) (3) \$4,299,000 of the highway safety account--~~

federal appropriation is for federal funds that may be received during the 2011-2013 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.

~~((6)) (4) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language and is revenue and policy neutral.~~

~~((7)) (5) \$128,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's license exams). If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((8)) (6) \$68,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 ((driving under the influence)) (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((9)) (7) \$63,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((10)) (8) \$340,000 of the motor vehicle account--private/local appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion reduction charge). If chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~((11)) (9) \$1,738,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for field licensing service offices and subagent offices.~~

~~(10) \$2,500,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.~~

~~(11) \$963,000 of the highway safety account--state appropriation is provided solely for implementation of chapter 374, Laws of 2011 (limousine carriers) and chapter 298, Laws of 2011 (master license service program).~~

~~(12) \$104,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 (electric vehicle license fee). If chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(13) \$176,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 (four-wheel all-terrain vehicles). If chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(14) \$69,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 (state flower license plate). If chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.~~

~~(15) \$190,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 (vehicle owner information). If~~



chapter . . . (Substitute Senate Bill No. 6075), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total appropriation in this section assumes the revenue generated by the fee established in Substitute Senate Bill No. 6075. Within the amounts provided in this subsection, the department must improve on the information that the department makes publicly available to victims of domestic violence and sexual assault on how to better protect their personal information, especially their residential addresses. Specifically, the department must provide a link to the secretary of state's address confidentiality program web site. The department also must provide information regarding a person's ability to provide a mailing address in addition to the person's residential address when registering a vehicle with the department.

(16) \$68,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6123), Laws of 2012 (NRA license plate). If chapter . . . (Substitute Senate Bill No. 6123), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(17) \$276,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 (facial recognition matching system). If chapter . . . (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(18) Consistent with chapter . . . (Engrossed Substitute Senate Bill No. 6150), Laws of 2012:

(a) The department shall post notices in conspicuous locations at all department driver licensing offices, make written information available to all applicants at department driver licensing offices, and provide information on the department's web site regarding the facial recognition matching system. The notices, written information, and information provided on the web site must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter;

(b) The department shall report to the governor and the legislature by October 1, 2012, regarding the number of investigations initiated by the department based on results from the facial recognition matching system and the final outcomes of those investigations, if known; and

(c) The office of the chief information officer shall develop the appropriate security standards for the department's use of the facial recognition matching system, subject to approval and oversight by the technology services board.

(19) \$142,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 (transportation revenue). If chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(20) \$323,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 (local transportation revenue options). If chapter . . . (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless renewal notice. The plan must consider people that do not have access to the internet and must include an opportunity for people to opt-in to a paper renewal notice. Prior to the implementation of a paperless renewal system, the department must consult with the joint transportation committee.

(22) Within existing resources, the department shall develop a

plan to transition to a ten-year replacement license plate cycle. At a minimum the plan must include the following provisions: (a) A ten-year replacement cycle for license plates only on vehicles that are subject to annual vehicle registration renewal; (b) a requirement that new license plates and registration, including all fees and taxes due upon annual registration, are required when a vehicle changes ownership, except when a vehicle is sold to a vehicle dealer for resale, in which case they are due only when the dealer sells the vehicle; (c) an original issue license plate fee that is equal to the current license plate replacement fee; and (d) an estimate of the plan's costs to implement and revenues generated. The department shall submit the plan with draft legislation implementing the plan to the transportation committees of the legislature by December 31, 2012.

**Sec. 209.** 2011 c 367 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

High Occupancy Toll Lanes Operations Account--State

Appropriation ((~~\$1,295,000~~))

\$1,276,000

Motor Vehicle Account--State Appropriation ((~~\$550,000~~))

\$538,000

Tacoma Narrows Toll Bridge Account--State

Appropriation ((~~\$23,429,000~~))

\$23,365,000

State Route Number 520 Corridor Account--State

Appropriation \$27,295,000

State Route Number 520 Civil Penalties

Account--State Appropriation ((~~\$4,622,000~~))

\$3,622,000

TOTAL APPROPRIATION ((~~\$57,491,000~~))

\$56,096,000

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 toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(2) ((~~\$4,622,000~~)) \$3,622,000 of the state route number 520 civil penalties account--state appropriation and \$1,458,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process. The department shall report quarterly on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees beginning September 30, 2011. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) It is the intent of the legislature that transitioning to a statewide tolling operations center and preparing for all-electronic tolling on certain toll facilities will have no adverse revenue or expenditure impact on the Tacoma Narrows toll bridge account. Any increased costs related to this transition shall not be allocated to the Tacoma Narrows toll bridge account. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process.

(4) The department shall ensure that, at no cost to the Tacoma Narrows toll bridge account, new electronic tolling tag readers are installed on the Tacoma Narrows bridge as soon as practicable that are able to read existing and new electronic tolling tags.

(5) \$17,786,000 of the state route number 520 corridor account--state appropriation is provided solely for nonvendor costs associated with tolling the state route number 520 bridge. Funds from the state route number 520 corridor account--state appropriation shall not be used to pay for items prohibited by Executive Order No. 1057, including subscriptions to technical publications, employee educational expenses, professional membership dues and fees, employee recognition and safety awards, meeting meals and light refreshments, commute trip reduction incentives, and employee travel.

**Sec. 210.** 2011 c 367 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
INFORMATION TECHNOLOGY--PROGRAM C**

Motor Vehicle Account--State Appropriation (~~(\$69,107,000)~~)

\$67,398,000

Transportation Partnership Account--State  
Appropriation \$1,460,000

Multimodal Transportation Account--State  
Appropriation \$363,000

Transportation 2003 Account (Nickel Account)--State  
Appropriation \$1,460,000

TOTAL APPROPRIATION (~~(\$72,390,000)~~)

\$70,681,000

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~~) enterprise 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) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) \$210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((5))~~ (4) \$502,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

**Sec. 211.** 2011 c 367 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
FACILITY MAINTENANCE, OPERATIONS AND  
CONSTRUCTION--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation (~~(\$25,851,000)~~)

\$25,466,000

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

(1) The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building

is the recommended option for accommodating additional traffic management operations.

(2) \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

**Sec. 212.** 2011 c 367 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation (~~(\$6,066,000)~~)

\$6,002,000

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

TOTAL APPROPRIATION (~~(\$8,216,000)~~)

\$8,152,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

**Sec. 213.** 2011 c 367 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--  
PROGRAM H**

Motor Vehicle Account--State Appropriation (~~(\$47,418,000)~~)

\$45,796,000

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

Multimodal Transportation Account--State

Appropriation \$250,000

TOTAL APPROPRIATION (~~(\$48,168,000)~~)

\$46,546,000

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

(1) (~~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. 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.~~) (2) \$3,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((3))~~ (2) It is the intent of the legislature that (~~the real estate services division of the department will recover the cost of its efforts from future sale proceeds~~) future surplus property sale proceeds support the efforts of the real estate services division of the department.

~~((4))~~ (3) 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 for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs

associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) Consistent with chapter . . . (Engrossed Second Substitute House Bill No. 2238), Laws of 2012 (wetlands mitigation) and to the extent practicable, the department shall work with the department of ecology and the department of fish and wildlife to determine if the department can utilize the following three programs as opportunities for mitigation of environmental impacts from projects: The forestry riparian easement program; the family forest fish passage program; and the riparian open space program. The department shall provide a report to the legislature by December 31, 2012, on results of this effort. The use of these programs is not intended to be additive to existing compensatory mitigation.

(5) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. The department shall not surplus any of the lands adjoining the trail until Douglas county and the city of East Wenatchee accomplish zoning and land use planning as they deem necessary, provided those updates are completed by January 1, 2014. The department shall report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete.

**Sec. 214.** 2011 c 367 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
ECONOMIC PARTNERSHIPS--PROGRAM K**

Motor Vehicle Account--State Appropriation ~~(((\$622,000))~~

\$602,000

Multimodal Transportation Account--State Appropriation \$110,000

TOTAL APPROPRIATION ~~(((\$732,000))~~

\$712,000

The appropriations in this section are subject to the following conditions and limitations: The department shall conduct a study on the potential to generate revenue from off-premise outdoor advertising signs that are erected or maintained adjacent and visible to the interstate system highways, primary system highways, or scenic system highways. The study must provide an evaluation of the market for outdoor advertising signs, including an evaluation of the number of potential advertisers and the amount charged by other jurisdictions for sign permits, and must provide a recommendation for a revised fee structure that recognizes the market value for off-premise signs and considers charging differential fees based on the size, type, and location of the sign.

**Sec. 215.** 2011 c 367 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation ~~(((\$380,327,000))~~  
\$373,709,000

Motor Vehicle Account--Federal Appropriation \$7,000,000

TOTAL APPROPRIATION ~~(((\$387,327,000))~~

\$380,709,000

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

(1) 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 appropriation into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(2) \$7,000,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 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.

(4) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(5) \$4,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) \$6,884,000 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. If chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the appropriation provided in this subsection lapses.

~~(8) ((\$317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and state route number 520.))~~ The department shall track the costs associated with ~~((these))~~ active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the costs and benefits of the systems by December 1, 2011.

**Sec. 216.** 2011 c 367 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation ~~(((\$50,166,000))~~

\$48,818,000

Motor Vehicle Account--Federal Appropriation \$2,050,000

Motor Vehicle Account--Private/Local Appropriation ~~(((\$127,000))~~

\$250,000

TOTAL APPROPRIATION ~~(((\$52,343,000))~~

\$51,118,000

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

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. Of this amount, \$10,000 of the motor vehicle account--state appropriation is provided

solely for the department to install additional farm machinery signs to promote safety in agricultural areas along state highways. 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))~~ October 1st of each ~~((even))~~ odd-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) \$145,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

(4) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(5) The department, in consultation with the Washington state patrol, must 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. The department must report to the joint transportation committee by January 1, 2012, and January 1, 2013, on the status of this pilot program. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. 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 2011-2013 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, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) 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.

(6) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the cost and benefits of the systems by December 1, 2011.

**Sec. 217.** 2011 c 367 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--  
PROGRAM S**

Motor Vehicle Account--State Appropriation (~~(\$28,430,000))~~)

\$27,389,000

Motor Vehicle Account--Federal Appropriation \$30,000

Multimodal Transportation Account--State

Appropriation \$973,000

TOTAL APPROPRIATION (~~(\$29,433,000))~~)

\$28,392,000

The appropriations in this section are subject to the following conditions and limitations: The department shall utilize existing resources and customer service staff to develop and implement new policies and procedures to ensure compliance with new federal passenger vessel Americans with disabilities act requirements.

**Sec. 218.** 2011 c 367 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--  
PROGRAM T**

Motor Vehicle Account--State Appropriation (~~(\$23,394,000))~~)

\$22,114,000

Motor Vehicle Account--Federal Appropriation \$21,885,000

Multimodal Transportation Account--State

Appropriation \$662,000  
 Multimodal Transportation Account--Federal  
 Appropriation \$3,559,000  
 Multimodal Transportation Account--Private/Local  
 Appropriation \$100,000  
 TOTAL APPROPRIATION (~~(\$49,600,000)~~)  
\$48,320,000

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

(1) \$70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

(3) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(4) As part of their ongoing regional transportation planning, the regional transportation planning organizations across the state shall work together to provide a comprehensive framework for sources and uses of next-stage investments in transportation needed to improve structural conditions and ongoing operations and lay the groundwork for the transportation systems to support the long-term economic vitality of the state. This planning must include all forms of transportation to reflect the state's interests, including: Highways, streets, and roads; ferries; public transportation; systems for freight; and walking and biking systems. The department shall support this planning by providing information on potential state transportation uses and an analysis of potential sources of revenue to implement investments. In carrying out this planning, regional transportation planning organizations must be broadly inclusive of business, civic, labor, governmental, and environmental interests in regional communities across the state.

(5) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5128), Laws of 2012 (statewide transportation planning) and reflects an accompanying cost savings of at least five hundred thousand dollars.

**Sec. 219.** 2011 c 367 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation (~~(\$85,209,000)~~)  
\$74,786,000  
 Motor Vehicle Account--Federal Appropriation \$400,000  
 Multimodal Transportation Account--State  
 Appropriation (~~(\$3,320,000)~~)  
\$1,798,000  
 TOTAL APPROPRIATION (~~(\$88,929,000)~~)  
\$76,984,000

~~((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 ADMINISTRATIONS \$4,418,000~~  
~~(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 \$1,980,000~~  
~~(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))~~

**Sec. 220.** 2011 c 367 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

State Vehicle Parking Account--State Appropriation \$452,000  
 Regional Mobility Grant Program Account--State  
 Appropriation \$48,942,000  
 Multimodal Transportation Account--State  
 Appropriation (~~(\$41,706,000)~~)  
\$41,471,000  
 Multimodal Transportation Account--Federal  
 Appropriation \$2,582,000  
 Multimodal Transportation Account--Private/Local  
 Appropriation \$1,027,000  
 Rural Mobility Grant Program Account--State  
 Appropriation \$17,000,000  
 TOTAL APPROPRIATION (~~(\$111,709,000)~~)  
\$111,474,000

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

(1) \$25,000,000 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) \$5,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must 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) \$19,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation 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 must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2009 as reported in the "Summary of Public Transportation - 2009" 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) \$8,500,000 of the rural mobility grant program 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 - 2009" 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. If the funding provided in this subsection (2)(a) exceeds the amount required for recipient counties to reach eighty percent of the average per capita sales tax, funds in excess of that amount may be used for the competitive grant process established in (b) of this subsection.

(b) \$8,500,000 of the rural mobility grant program 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.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) \$8,942,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2007 B, as developed April 20, 2007, or LEAP Transportation Document 2009 B, as developed April 24, 2009)) 2012-1 ALL PROJECTS -Public Transportation - Program (V) as developed February 21, 2012. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in(=) the LEAP Transportation Document ((2007 B, as developed April 20, 2007; LEAP Transportation Document 2009 B, as developed April 24, 2009; or LEAP Transportation Document 2011 B, as developed April 19, 2011)) referenced in this subsection. 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 and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5)(a) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2011 B, as developed April 19, 2011)) 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed February 21, 2012. 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 must be used only to fund projects identified in the LEAP Transportation Document ((2011 B, as developed April 19, 2011)) referenced in this subsection. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, 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.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2011-2013 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(7) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(9) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2011-2013 fiscal biennium.

**Sec. 221.** 2011 c 367 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State

Appropriation ((~~\$467,773,000~~))

\$468,135,000

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

(1) 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 its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

~~((5))~~ (3) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

~~((6))~~ (4) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

~~((10))~~ (5) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel, including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

~~((11))~~ (6) For the 2011-2013 fiscal biennium, the department of transportation may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

~~((12))~~ The department shall target service reductions totaling \$4,000,000, such that the shortening of shoulder seasons and eliminations of off peak runs on all routes are considered. Prior to implementing the reductions, the department shall consult with ferry employees and ferry advisory committees to determine which reductions would impact the fewest number of riders. The reductions must be identified and implementation must begin no later than the fall ~~2011~~ schedule.

~~((13))~~ (7) \$135,248,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2011-2013 fiscal biennium. The amount provided in this appropriation represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

~~((14))~~ (8) \$150,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department to increase recreation and tourist ridership by entering into agreements for marketing and outreach strategies with local economic development agencies. The department shall identify the number of tourist and recreation riders on the applicable ferry routes both before and after implementation of marketing and outreach strategies developed through the agreements. The department shall report results of the marketing and outreach strategies to the transportation committees of the legislature by October 15, 2012.

~~((15))~~ (9) The Washington state ferries shall participate in the facilities plan included in section 604 of this act and shall include an investigation and identification of less costly relocation options for the Seattle headquarters office. The department shall include relocation options for the Washington state ferries Seattle headquarters office in the facilities plan. Until September 1, 2012, the department may not enter into a lease renewal for the Seattle headquarters office.

~~((16))~~ (10) The department, office of financial management, and transportation committees of the legislature shall make

recommendations regarding an appropriate budget structure for the Washington state ferries. The recommendation may include a potential restructuring of the Washington state ferries budget. The recommendation must facilitate transparency in reporting and budgeting as well as provide the opportunity to link revenue sources with expenditures. Findings and recommendations must be reported to the office of financial management and the joint transportation committee by September 1, 2011.

~~((17))~~ (11) Two Kwa-di-tabil class ferry vessels must be placed on the Port Townsend/Coupeville (Keystone) route to provide service at the same levels provided when the steel electric vessels were in service. After the vessels as funded under section 308~~((7))~~ (5) of this act are in service, the two most appropriate of these vessels for the Port Townsend/Coupeville (Keystone) route must be placed on the route. \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the additional staffing required to maintain a reservation system at this route when the second vessel is in service.

~~((19))~~ (12) \$706,000 of the Puget Sound ferry operations account--state appropriation is provided solely for terminal operations to implement new federal passenger vessel Americans with disabilities act requirements.

~~((20))~~ (13) \$152,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((21))~~ If chapter ... (Substitute House Bill No. 2053), Laws of 2011 (additive transportation funding) is not enacted by June 30, 2011, the \$4,000,000 in service reductions identified in subsection (12) of this section must be restored and an identical amount must be reduced from the amount provided for the second 144 car vessel identified in section 308(8) of this act.)

Sec. 222. 2011 c 367 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State

Appropriation ~~((29,688,000))~~

\$33,342,000

Multimodal Transportation Account--Federal

Appropriation ~~((300,000))~~

\$400,000

TOTAL APPROPRIATION ~~((29,988,000))~~

\$33,742,000

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

(1) ~~((24,091,000))~~ \$27,816,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review fares or fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits for increased revenue due to higher ridership, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account--state appropriation, which must be placed in reserve. Upon completion of the rail platform project in the city of Stanwood, the department shall continue to provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

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

(4) The department shall conduct a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from July 1, 2011, to June 30, 2012. The department shall report on the results of the pilot program to the office of financial management and the legislature by September 30, 2012.

**Sec. 223.** 2011 c 367 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation (~~(\$8,853,000)~~)

\$8,518,000

Motor Vehicle Account--Federal Appropriation \$2,567,000

TOTAL APPROPRIATION (~~(\$11,420,000)~~)

\$11,085,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**TRANSPORTATION AGENCIES--CAPITAL**

**Sec. 301.** 2011 c 367 s 301 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account--State Appropriation (~~(\$6,487,000)~~)

\$6,681,000

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

(1) (~~(\$653,000)~~) \$1,357,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$200,000 for emergency infrastructure repairs; \$75,000 for water and sewer upgrades; \$210,000 for emergency backup system replacement; \$85,000 for chiller replacement; (~~and~~) \$83,000 for roof replacements; \$128,000 for septic system repairs; and \$576,000 for HVAC replacement and energy upgrades.

(2) (~~(\$3,226,000)~~) \$4,903,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol for the new waste water treatment lines, waste water plants, water lines, and water systems. (~~However, \$2,129,000 of this amount is contingent on the department of corrections receiving funding for its portion of the regional water project in the 2011 2013 omnibus capital appropriations act. If this funding is not provided by June 30, 2011, \$2,129,000 of the appropriation provided in this subsection lapses.~~)

(3) \$421,000 of the state patrol highway account--state appropriation is provided solely for the reappropriation of the Shelton regional water project.

(4) (~~(\$2,187,000 of the total appropriation is provided solely for mobile office platforms.~~)

(5)) It is the intent of the legislature that the omnibus operating

appropriations act provide funding for the portion of any applicable debt service payments, resulting from financial contracts identified under section 601 of this act, that are attributable to the general fund as identified in the Washington state patrol's cost allocation model.

**Sec. 302.** 2011 c 367 s 302 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Account--State Appropriation \$874,000

Rural Arterial Trust Account--State Appropriation (~~(\$37,417,000)~~)

\$62,510,000

County Arterial Preservation Account--State

Appropriation \$29,360,000

TOTAL APPROPRIATION (~~(\$67,651,000)~~)

\$92,744,000

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

(1) \$874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) (~~(\$37,417,000)~~) \$62,510,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

**Sec. 303.** 2011 c 367 s 303 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account--State

Appropriation (~~(\$3,812,000)~~)

\$5,270,000

Transportation Improvement Account--State

Appropriation (~~(\$201,050,000)~~)

\$237,545,000

TOTAL APPROPRIATION (~~(\$204,862,000)~~)

\$242,815,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to \$22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

**Sec. 304.** 2011 c 367 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D-- (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation (~~(\$5,433,000)~~)

\$5,545,000

Transportation	Partnership	Account--State
Appropriation		\$1,575,000
TOTAL APPROPRIATION \$7,120,000		

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

(1) \$1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) (~~(\$3,669,000)~~) \$3,781,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that



are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration.

(3) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) \$1,575,000 of the transportation partnership account--state appropriation is provided solely for the traffic management center (100010T).

(5) The department shall make all future requests for the construction of new buildings and facilities within Facilities--Program D--(Department of Transportation-Only Projects)--Capital. Each capital facility construction project must be listed in this program's capital facilities project list submitted by the department as part of its budget submittal. It is the intent of the legislature that the construction of buildings and facilities is not appropriated through the capital highway improvements appropriation.

**Sec. 305.** 2011 c 367 s 305 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

<del>(Multimodal Transportation Account--State Appropriation \$1,000)</del>
Transportation Partnership Account--State Appropriation <del>(((\$1,991,547,000))</del> <u>\$1,632,450,000</u>
Motor Vehicle Account--State Appropriation <del>(((\$86,139,000))</del> <u>\$103,454,000</u>
Motor Vehicle Account--Federal Appropriation <del>(((\$450,691,000))</del> <u>\$841,365,000</u>
Motor Vehicle Account--Private/Local Appropriation <del>(((\$50,485,000))</del> <u>\$128,783,000</u>
Transportation 2003 Account (Nickel Account)--State Appropriation <del>(((\$436,005,000))</del> <u>\$416,123,000</u>
State Route Number 520 Corridor Account--State Appropriation <del>(((\$1,019,460,000))</del> <u>\$1,779,000,000</u>
Special Category C Account--State Appropriation .....
<u>Tacoma Narrows Toll Bridge Account--State Appropriation \$5,791,000</u>
<u>TOTAL APPROPRIATION (((\$4,034,328,000))</u> <u>\$4,888,228,000</u>

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 ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2011))~~ February 21, 2012, Program - Highway Improvement Program (I). 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) ((The department shall, on a quarterly basis beginning July 1, 2011, 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 must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a~~

~~priority basis and scoped to be completed within the current programmatic budget. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis.~~

~~(3))~~ Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((4))~~ (3) The department shall apply for surface transportation program 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 state route number 518, state route number 520, Columbia river crossing, and Alaskan Way viaduct projects.

~~((5))~~ (4) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

~~((7))~~ (5) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((8))~~ (6) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use ~~state~~ other lands while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

~~((9) \$361,000)~~ (7) \$561,000 of the transportation partnership account--state appropriation and ~~(((\$1,245,000))~~ \$1,176,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project OBI4ENV, Environmental Mitigation Reserve -Nickel/TPA project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds may be used only for environmental mitigation work that is required by permits that were issued for projects funded by the transportation partnership account or transportation 2003 account (nickel account).

~~((As part of the 2012 budget submittal, the department shall provide a list of all projects and associated amounts that are being charged to project OBI4ENV during the 2011-2013 fiscal biennium.~~

~~(10))~~ (8) The transportation 2003 account (nickel account)--state appropriation includes up to ~~(((\$361,005,000))~~ \$338,751,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((11))~~ (9) The transportation partnership account--state appropriation includes up to ~~(((\$1,427,696,000))~~ \$968,396,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((12))~~ (10) The motor vehicle account--state appropriation includes up to ~~(((\$66,373,000))~~ \$45,870,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((13))~~ (11) The state route number 520 corridor account--state appropriation includes up to ~~(((\$987,717,000))~~ \$1,779,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

~~((14) \$391,000)~~ (12) \$767,000 of the motor vehicle account--state appropriation and ~~((4,027,000))~~ \$3,736,000 of the motor vehicle account--federal appropriation are provided solely for the US 2 High Priority Safety project (100224I). Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

~~((15) \$687,000)~~ (13) \$820,000 of the motor vehicle account--federal appropriation, \$16,308,000 of the motor vehicle account--private/local appropriation, and ~~((22,000))~~ \$48,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

~~((16) \$435,000)~~ (14) \$595,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

~~((17) \$108,000)~~ (15) \$372,000 of the motor vehicle account--federal appropriation and ~~((3,000))~~ \$9,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

~~((18) \$253,444,000)~~ (16) \$202,863,000 of the transportation partnership account--state appropriation and ~~((66,034,000))~~ \$51,136,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 of this act. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

~~((19))~~ (17)(a) ~~((8,321,000))~~ \$9,343,000 of the transportation partnership account--state appropriation and ~~((31,380,000))~~ \$54,461,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). ~~((Of this amount,))~~ Of the amounts appropriated in this subsection, \$30,000,000 of the motor vehicle account--federal appropriation must be put into unallotted status and is subject to the review of the office of financial management. This funding may be allotted in five million dollar increments only when the state of Oregon's total share of expenses on the project are within five percent of the state of Washington's expenses. \$200,000 of the transportation partnership account--state appropriation in this subsection is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources. ~~((No funding from any account may be expended until written confirmation has been received by the department that the state of Oregon is providing an equal amount of additional funding to the project.))~~

(b) Consistent with the draft environmental impact statement and the Columbia river crossing project's independent review panel report, the Columbia river crossing project's financial plan must include recognition of state transportation funding contributions from both Washington and Oregon, federal transportation funding, and a funding contribution from toll bond proceeds. Following the refinement of the finance plan as recommended by the independent review panel, the department may seek authorization from the legislature to collect tolls on the existing Columbia river crossing or on a replacement crossing over Interstate 5.

(c) The Washington state department of transportation budget includes resources to continue work on solutions that advance the Columbia River Crossing project to completion of the required

environmental impact statement. The department must report to the Columbia River Crossing legislative oversight subcommittee of the joint transportation committee, established in section 204(5) of this act, on the progress made on the Columbia River Crossing project at each meeting of the oversight subcommittee. Reporting must include updated information on cost estimates, rights-of-way purchases and procurement schedules, and financing plans for the Columbia River Crossing project, including projected traffic volumes, fuel and gas price assumptions, toll rates, costs of toll collections, as well as potential need for general transportation funding. By January 1, 2013, the department shall provide to the oversight subcommittee of the joint transportation committee a phased master plan for the Columbia River Crossing project.

~~((20) \$107,000)~~ (18) \$309,000 of the motor vehicle account--federal appropriation and ~~((27,000))~~ \$78,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

~~((21) \$2,134,000)~~ (19) \$3,385,000 of the motor vehicle account--federal appropriation and ~~((47,000))~~ \$50,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

~~((22) \$294,000)~~ (20) \$5,791,000 of the Tacoma Narrows toll bridge account--state appropriation is provided solely for deferred sales tax expenses on the construction of the new Tacoma Narrows bridge. However, if chapter . . . (Senate Bill No. 6073), Laws of 2012 (sales tax exemption on SR 16 projects) is enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) \$391,000 of the motor vehicle account--federal appropriation and ~~((13,000))~~ \$16,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

~~((23) \$1,000,000)~~ (22) \$621,000 of the motor vehicle account--federal appropriation is provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

~~((24) \$24,002,000)~~ (23) \$32,162,000 of the transportation partnership account--state appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

~~((25) \$569,000)~~ (24) \$1,227,000 of the motor vehicle account--federal appropriation and ~~((9,000))~~ \$38,000 of the motor vehicle account--state appropriation are provided solely for design and right-of-way work on the I-82/Red Mountain Vicinity project (508208M). The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American viticulture area of Benton county.

~~((26))~~ (25) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the I-90 Comprehensive Tolling Study project (100067T).

~~((27) \$9,422,000)~~ (26) \$12,149,000 of the motor vehicle account--federal appropriation and ~~((193,000))~~ \$362,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Sullivan Road to Barker Road - Additional Lanes project (609049N).

~~((28))~~ (27) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be used for design work on the next two-mile segment of the corridor. Any additional savings on this project must remain on the corridor. ~~((590,000 of the funds appropriated for this project may be used to purchase land currently owned by the state parks department.))~~ Project funds may not be used to build or improve buildings until the plan described in section 604 of this act is complete.

~~((29) \$932,000)~~ (28) \$657,000 of the motor vehicle account--federal appropriation is provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

~~((30))~~ (29) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission by October 2011, and annually thereafter until the project is operationally complete.

~~((31))~~ (30) 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.

~~((32))~~ (31) Within the amounts provided in this section, \$20,000 of the motor vehicle account--state appropriation and \$980,000 of the motor vehicle account--federal appropriation are provided solely for the department to continue work on a comprehensive tolling study of the state route number 167 corridor (project 316718S). As funding allows, the department shall also continue work on a comprehensive tolling study of the state route number 509 corridor.

~~((33))~~ (32)(a) ~~((131,303,000))~~ \$137,022,000 of the transportation partnership account--state appropriation (~~( \$51,410,000)~~) and \$50,623,000 of the transportation 2003 account (nickel account)--state appropriation (~~(and \$10,000,000 of the motor vehicle account--federal appropriation)~~) are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection ~~((33))~~ (32)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(c) Of the amount appropriated in (a) of this subsection, \$15,000,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector. It is the intent of the legislature to fund an additional \$25,000,000 of the transportation partnership account--state appropriation for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector during the 2013-2015 biennium.

~~((34))~~ (33) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (0B12002).

~~((35) \$226,809,000)~~ (34) \$224,592,000 of the transportation partnership account--state appropriation and ~~((1,019,460,000))~~ \$898,286,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV program (8B11003). When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

~~((36) \$650,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).~~

~~((37))~~ (35) \$500,000 of the motor vehicle account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

(36) \$300,000 of the motor vehicle account--federal appropriation is provided solely for the SR 523 Corridor study (L1000059).

~~((38))~~ (37) The department shall consider using the city of Mukilteo's off-site mitigation program in the event any projects on state route number 525 or 526 require environmental mitigation.

~~((39))~~ (38) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

(39) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5250), Laws of 2012 (design-build procedures) and reflects efficiencies and cost savings generated by this innovative design and contracting tool.

**Sec. 306.** 2011 c 367 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

Transportation Partnership Account--State

Appropriation ~~((34,182,000))~~

\$44,463,000

Motor Vehicle Account--State Appropriation ~~((67,790,000))~~

\$85,241,000

Motor Vehicle Account--Federal Appropriation ~~((632,489,000))~~

\$548,306,000

Motor Vehicle Account--Private/Local Appropriation ~~((19,253,000))~~

\$21,585,000

Transportation 2003 Account (Nickel Account)--State  
Appropriation \$23,000

TOTAL APPROPRIATION ~~((753,714,000))~~

\$699,618,000

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 ~~((2011-1))~~ 2012-2 as developed ~~((April 19, 2011))~~ February 21, 2012, Program - Highway Preservation Program (P). 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) ~~((The department shall, on a quarterly basis beginning July 1, 2011, 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 must be reported on a programmatic basis. Projects within this programmatic level funding must 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. The department shall also provide the information required under this subsection on a quarterly basis.~~

~~(3))~~ 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.

~~((5))~~ (3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((6))~~ (4) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P.

~~((7))~~ (5) The motor vehicle account--state appropriation includes up to \$17,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((8))~~ (6) The department must work with cities and counties to develop a comparison of direct and indirect labor costs, overhead rates, and other costs for high-cost bridge inspections charged by the state, counties, and other entities. The comparison is due to the transportation committees of the legislature on September 1, 2011.

~~((9) \$277,000)~~ (7) ~~\$789,000~~ of the motor vehicle account--federal appropriation and ~~(\$10,000)~~ \$6,000 of the motor vehicle account--state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

~~((10) \$9,641,000)~~ (8) \$10,843,000 of the motor vehicle account--federal appropriation, ~~(\$2,000,000)~~ \$1,992,000 of the motor vehicle account--private/local appropriation, and ~~(\$361,000)~~ \$390,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replace Boat project (602110J).

~~((11) \$3,093,000)~~ (9) \$165,000 of the motor vehicle account--federal appropriation is provided solely for the I-90/Ritzville to Tokio - Paving of Outside Lanes project (609041G).

~~((12) \$2,733,000)~~ (10) \$5,565,000 of the motor vehicle account--federal appropriation and ~~(\$114,000)~~ \$232,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

~~((13) \$295,000)~~ (11) \$507,000 of the motor vehicle account--federal appropriation and ~~(\$5,000)~~ \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 906/Travelers Rest - Building Renovation project (090600A).

(12) The department shall submit a renewal and rehabilitation plan for the new state route number 16 Tacoma Narrows bridge as a decision package as part of its 2013-2015 biennial budget submittal.

**Sec. 307.** 2011 c 367 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation ~~(((\$6,439,000))~~

\$8,742,000

Motor Vehicle Account--Federal Appropriation, ~~(((\$5,600,000))~~

\$7,246,000

TOTAL APPROPRIATION ~~(((\$12,039,000))~~

\$15,988,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the motor vehicle account--state appropriation for project 000005Q is provided solely for state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

**Sec. 308.** 2011 c 367 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State

Appropriation ~~(((\$68,013,000))~~

\$64,878,000

Puget Sound Capital Construction Account--Federal

Appropriation ~~(((\$41,500,000))~~

\$56,086,000

Puget Sound Capital Construction Account--Private/Local

Appropriation \$200,000

Transportation 2003 Account (Nickel Account)--State

Appropriation ~~(((\$118,027,000))~~

\$110,928,000

Transportation Partnership Account--State

Appropriation ~~(((\$12,536,000))~~

\$12,838,000

Multimodal Transportation Account--State

Appropriation ~~(((\$43,265,000))~~

\$38,254,000

TOTAL APPROPRIATION ~~(((\$283,341,000))~~

\$283,184,000

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

(1) ~~(\$68,013,000 of the Puget Sound capital construction account state appropriation, \$41,500,000 of the Puget Sound capital construction account federal appropriation, \$12,536,000 of the transportation partnership account state appropriation, \$118,027,000 of the transportation 2003 account (nickel account) state appropriation, and \$43,265,000 of the multimodal transportation account state appropriation are provided solely for ferry projects.)~~ Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2011-2)) 2012-1 ALL PROJECTS as developed ((April 19, 2011)) February 21, 2012, Program - Washington State Ferries Capital Program (W).

(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.

(3) The multimodal transportation account--state appropriation includes up to ~~(\$43,265,000)~~ \$38,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(4) ~~((The transportation 2003 account (nickel account) state appropriation includes up to \$82,143,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.~~

~~(5))~~ The Puget Sound capital construction account--state appropriation includes up to ~~(\$52,516,000)~~ \$45,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((7) \$20,906,000)~~ (5) \$17,970,000 of the transportation 2003 account (nickel account)--state appropriation ~~((\$9,711,000 of the multimodal transportation account state appropriation, and \$1,537,000 of the Puget Sound capital construction account state appropriation are))~~ is provided solely for the acquisition of new Kwadi-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

~~((8))~~ (6) \$33,404,000 of the multimodal transportation account--state appropriation, ~~(\$2,000,000)~~ \$1,000,000 of the Puget Sound capital construction account--~~(state)~~ federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and ~~(\$81,085,000)~~ \$76,924,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of ~~(two)~~ one 144-car vessel ~~(contingent upon new and sufficient resources. Of these amounts, \$123,828,000 is provided solely for the first 144-car vessel)~~ (project L2200038). The department shall use as much already procured equipment as practicable on the 144-car vessel. The vendor must present to the joint transportation committee and the office of financial management, by August 15, 2011, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. If neither chapter ... (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003 account (nickel account)--state appropriation in this subsection lapses.

~~((9) 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 2011-2013 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 system. 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.~~

~~((11) \$3,932,000)~~ (7) \$5,749,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal (project 952515P). The department shall seek additional federal funding for this project. Prior to beginning terminal improvements, the department shall report to the legislature on the final environmental impact statement by December 31, 2012. The report must include an overview of the costs and benefits of each of the alternatives considered, as well as an identification of costs and a funding plan for the preferred alternative.

~~((13))~~ (8) The department shall review all terminal project cost estimates to identify projects where similar design requirements could result in reduced preliminary engineering or miscellaneous items costs. The department shall report to the legislature by September 1, 2011. The report must use programmatic design and include estimated cost savings by reducing repetitive design costs or miscellaneous costs, or both, applied to projects.

~~((14) \$2,000,000)~~ (9) \$3,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may be spent only after approval from the office of financial management.

~~((15) \$7,167,000)~~ (10) \$4,851,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(11) \$641,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to continue efforts to convert the existing diesel powered Issaquah class fleet to liquid natural gas powered vessels. Of this amount, \$391,000 is solely for the department to work with appropriate agencies of the state and federal government to amend the state's current alternative security plan to account for the use of liquid natural gas as a propulsion fuel in the ferry fleet. Of this amount, \$250,000 is solely for the department to issue a request for proposals for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by liquid natural gas. The successful bidder must be able to offer detailed design services, attain coast guard approval regarding vessel safety and any other requirements pertaining to design, acquire engines with liquid natural gas as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to liquid natural gas, perform all conversion work, and supply dependable and suitable quantities of liquid natural gas without any additional, direct appropriations from the legislature other than that provided in this act. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet to liquid natural gas under this subsection shall be given bidding preferences in any future liquid natural gas related ferry proposals or projects.

(12) \$500,000 of the Puget Sound capital construction account--state appropriation is provided solely for the ADA visual paging project (L2200083). If any new federal grants are received by the department that may supplant the state funds in this appropriation, the state funds in this appropriation must be placed in unallotted status.

(13) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is maintained at or near the Seattle terminal and considered in any future modifications at the terminal. It is the intent of the legislature that the reasonable costs of developing, maintaining, and operating new passenger-only docking and boarding facilities at Colman dock shall be the responsibility of the regional and local agencies providing the service.

**Sec. 309.** 2011 c 367 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State

Appropriation ~~(\$1,000,000)~~

\$1,565,000

Transportation Infrastructure Account--State

Appropriation ~~(\$5,838,000)~~

\$5,693,000

Multimodal Transportation Account--State

Appropriation ~~(\$52,000,000)~~

\$58,020,000

Multimodal Transportation Account--Federal

Appropriation ~~(\$366,314,000)~~

\$236,597,000

Multimodal Transportation Account--Private/Local

Appropriation ~~(\$1,292,000)~~

\$1,010,000

TOTAL APPROPRIATION ~~(\$426,444,000)~~

\$302,885,000

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 project and amount in LEAP Transportation

Document ((2011-2)) 2012-1 ALL PROJECTS as developed ((April 19, 2011)) February 21, 2012, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, ((\$2,903,000)) \$4,757,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c) Within the amounts provided in this section, ((\$1,754,000)) \$2,047,000 of the multimodal transportation account--state appropriation, \$10,000 of the multimodal transportation account--private/local appropriation, and \$1,000,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document identified in (a) of this subsection.

(2)(a) ((~~If any funds remain in the program reserves (F01001A & F01000A) for the program and projects listed in subsection (1)(b) and (c) of this section.~~)) The department shall issue a call for projects for the freight rail investment bank (FRIB) loan program and the emergent freight rail assistance program (FRAP) grants, 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. Unsuccessful FRAP grant applicants should be encouraged to apply to the FRIB loan program, if eligible. By November 1, ((2014)) 2012, 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 expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) 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 and the status of such applications.

(5) ((~~The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report~~

~~formatting and elements must be consistent with the October 2009 quarterly project report.~~

~~(6) The multimodal transportation account state appropriation includes up to \$19,684,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(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 additional grain train railcars.~~

~~(8) \$1,087,000 of the multimodal transportation account state appropriation is provided solely as state matching funds for successful grant applications to either the federal rail line relocation and improvement program (project 798999D) or new federal high speed rail grants.~~

~~(9)) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.~~

~~((10) \$339,139,000)) (6) \$218,341,000 of the multimodal transportation account--federal appropriation and ((\$5,099,000)) \$3,639,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. At one and one-half percent of the total project funds, the multimodal transportation account--state funds are provided solely for expenditures that are not federally reimbursable. Funding in this subsection is the initial portion of multiyear high-speed rail program grants awarded to Washington state for high-speed intercity passenger rail investments. Funding will allow for two additional round trips between Seattle and Portland and other rail improvements.~~

~~((14)) (7) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the Port of Royal Slope rehabilitation project (L1000053). Funding is contingent upon the project completing the rail cost-benefit methodology process developed during the 2008 interim using the legislative priorities outlined in subsection (2)(c) of this section.~~

~~(8) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.~~

~~(9) Funds generated by the grain train program are solely for operating, sustaining, and enhancing the grain train program including, but not limited to, operations, capital investments, inspection, developing business plans for future growth, and fleet management. Any funds deemed by the department, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line, on which the grain train program operates.~~

~~(10) \$500,000 of the essential rail assistance account--state appropriation is provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. Expenditures from this appropriation may not exceed the combined total of:~~

~~(a) The revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and~~

~~(b) Revenues transferred from the miscellaneous program account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line.~~

**Sec. 310.** 2011 c 367 s 310 (uncodified) is amended to read as follows:

**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

Motor Vehicle Account--State Appropriation ~~(((\$3,754,000))~~

\$4,179,000

Motor Vehicle Account--Federal Appropriation ~~(((\$31,856,000))~~

\$30,430,000

Freight Mobility Investment Account--State

Appropriation \$11,278,000

Transportation Partnership Account--State

Appropriation ~~(((\$6,035,000))~~

\$7,181,000

Freight Mobility Multimodal Account--State

Appropriation ~~(((\$15,117,000))~~

\$15,668,000

Freight Mobility Multimodal Account--Local

Appropriation ~~(((\$4,752,000))~~

\$2,834,000

Multimodal Transportation Account--State

Appropriation ~~(((\$18,453,000))~~

\$22,475,000

Passenger Ferry Account--State Appropriation \$1,115,000

TOTAL APPROPRIATION ~~(((\$94,169,000))~~

\$96,969,000

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

~~(1) ((The department shall, on a quarterly basis beginning July 1, 2011, 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. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system.~~

~~—(2))~~ (2)) \$1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

~~((3))~~ (2) The department shall apply for surface transportation program 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.

~~((4))~~ (3) Federal funds may be transferred from program Z to programs I and P and state funds must 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 must 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, 2011, and December 1, 2012.

~~((5))~~ (4) The city of Winthrop may utilize a design-build process for the Winthrop bike path project.

~~((6) --\$11,557,000))~~ (5) \$14,813,000 of the multimodal transportation account--state appropriation, ~~(((\$12,136,000))~~ \$12,804,000 of the motor vehicle account--federal appropriation, and ~~(((\$5,195,000))~~ \$6,241,000 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 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 19, 2011; 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.

~~((7))~~ (6) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as developed ~~((April 19, 2011))~~ February 21, 2012, Program - Local Program (Z).

~~((8))~~ (7) For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office 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.

~~((9))~~ (8) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

~~((10) The department shall prepare a list of main street projects, consistent with chapter ... (Engrossed Substitute House Bill No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order to ensure that any proposed list of projects is consistent with legislative intent, the department shall provide a report to the joint transportation committee by December 1, 2011. The report must identify the eligible segments of main streets highways, the department's proposed project selection and ranking method, criteria to be considered, and a plan for soliciting project proposals.~~

~~—(11))~~ (9) If funding is specifically designated in this act for main street projects, the department shall prepare a list of projects that is consistent with chapter 257, Laws of 2011, for approval in the 2013-2015 fiscal biennium.

~~(10)~~ \$267,000 of the motor vehicle account--state appropriation and \$2,859,000 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 (3LP187A). 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.

~~((12))~~ (11) Up to ~~(((\$3,650,000))~~ \$3,702,000 of the motor vehicle account--federal appropriation and ~~(((\$23,000))~~ \$75,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number

908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures.

~~((13))~~ (12) \$225,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency road and bicycle/pedestrian path (L1000036).

~~((14) \$150,000)~~ (13) \$188,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins (L1000041).

~~((15))~~ (14) \$896,000 of the multimodal transportation account--state appropriation is provided solely for realignment of Parker Road and construction of secondary access off of state route number 20 (L2200040).

~~((16))~~ (15) An additional \$2,500,000 of the motor vehicle account--federal appropriation is provided solely for the Strander Blvd/SW 27th St Connection project (1LP902F), which amount is reflected in the LEAP transportation document identified in subsection ~~((7))~~ (6) of this section. These funds may only be committed if needed, may not be used to supplant any other committed project partnership funding, and must be the last funds expended.

~~((17))~~ (16) \$500,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~((18))~~ (17) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~((19) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).~~

~~((20))~~ (18) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~((21))~~ (19) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~((22))~~ (20) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~((23))~~ (21) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~((24))~~ (22) \$65,000 of the multimodal transportation account--state appropriation is provided solely for the Puget Sound regional council to further the implementation of multimodal concurrency practice through a transit service overlay zone implemented at the local level (L1000061). This approach will improve the linkage of land use and transportation investment decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development, and transportation plans. In carrying out this work, the council shall involve representatives from cities and counties, developers, transit agencies, and other interested stakeholders, and shall consult with other regional transportation planning organizations across the state. The council shall report the results of their work and recommendations to the joint transportation committee by December 2011, with a final report to the transportation committees of the legislature by January 31, 2012.

(23) \$650,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

NEW SECTION. Sec. 311. A new section is added to 2011 c 367 (uncodified) to read as follows:

#### **REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the original project cost estimates and schedule approved in the transportation 2003 and 2005 transportation partnership project lists to the completed cost of the project;

(b) Compare the costs and operationally complete date for projects on the transportation 2003 and 2005 transportation partnership project lists to the last legislatively adopted project list prior to the completion of a project; and

(c) Compare the costs and operationally complete date for projects with budgets of twenty million dollars that are funded with preexisting funds to the original project cost estimates and schedule.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium.

#### **TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2011 c 367 s 401 (uncodified) is amended to read as follows:

**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--State  
 Appropriation ((~~\$920,560,000~~))  
\$796,020,000

Ferry Bond Retirement Account--State Appropriation \$31,801,000

State Route Number 520 Corridor Account--State  
 Appropriation \$1,075,000

Transportation Improvement Board Bond Retirement  
 Account--State Appropriation ((~~\$16,544,000~~))  
\$16,504,000

Nondebt-Limit Reimbursable Account Appropriation  
 ((~~\$25,200,000~~))  
\$20,892,000

Transportation Partnership Account--State  
 Appropriation ((~~\$3,142,000~~))  
\$2,846,000

Motor Vehicle Account--State Appropriation ((~~\$333,000~~))  
\$298,000

Transportation 2003 Account (Nickel Account)--State  
 Appropriation ((~~\$1,140,000~~))  
\$1,110,000

Transportation Improvement Account--State  
 Appropriation \$29,000

Multimodal Transportation Account--State  
 Appropriation ((~~\$138,000~~))  
\$125,000

Toll Facility Bond Retirement Account--State  
 Appropriation ((~~\$33,792,000~~))  
\$48,807,000

Toll Facility Bond Retirement Account--Federal  
 Appropriation ((~~\$14,649,000~~))  
\$7,500,000

TOTAL APPROPRIATION ((~~\$1,048,403,000~~))  
\$927,007,000

((The appropriations in this section are subject to the following conditions and limitations:—(1) \$4,610,000 of the highway bond retirement account state appropriation is provided solely for debt service on bonds issued to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.—(2) \$165,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for discounts on bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.))

**Sec. 402.** 2011 c 367 s 402 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

State Route Number 520 Corridor Account--State  
 Appropriation \$68,000

Transportation Partnership Account--State  
 Appropriation ((~~\$608,000~~))  
\$478,000

Motor Vehicle Account--State Appropriation ((~~\$60,000~~))  
\$47,000

Transportation 2003 Account (Nickel Account)--State  
 Appropriation ((~~\$219,000~~))  
\$173,000

Transportation Improvement Account--State Appropriation \$5,000

Multimodal Transportation Account--State  
 Appropriation ((~~\$26,000~~))  
\$19,000

TOTAL APPROPRIATION ((~~\$986,000~~))  
\$790,000

((The appropriations in this section are subject to the following conditions and limitations:—\$30,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for expenses associated with bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.))

**Sec. 403.** 2011 c 367 s 403 (uncodified) is amended to read as follows:

**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 ((~~\$52,516,000~~))  
\$45,000,000

The department of transportation is authorized to sell up to ((~~\$52,516,000~~)) \$45,000,000 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. ((Of the authorized amounts, \$14,500,000 is provided solely for expenditures made during the fiscal biennium ending June 30, 2011.))

**Sec. 404.** 2011 c 367 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties ((~~\$478,155,000~~))  
\$470,701,000

**Sec. 405.** 2011 c 367 s 405 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers ((~~\$1,246,357,000~~))  
\$1,227,005,000

**Sec. 406.** 2011 c 367 s 406 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((~~\$127,984,000~~))  
\$151,870,000

**Sec. 407.** 2011 c 367 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

(1) ((Tacoma Narrows Toll Bridge Account State Appropriation: For transfer to the Motor Vehicle Account State \$543,000

—(2)) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ((~~\$46,500,000~~))  
\$45,500,000

((~~3~~)) (2) Recreational Vehicle Account--State

Appropriation: For transfer to the Motor Vehicle Account—State (~~(\$1,450,000)~~)  
\$1,150,000  
 ((~~4~~)) (3) License Plate Technology Account--State  
 Appropriation: For transfer to the Highway Safety Account—State (~~(\$3,200,000)~~)  
\$3,000,000  
 ((~~5~~)) (4) Multimodal Transportation Account--State  
 Appropriation: For transfer to the Puget Sound Ferry Operations Account—State (~~(\$43,000,000)~~)  
\$42,000,000  
 ((~~6~~)) (5) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....  
 ((~~7~~) Department of Licensing Services Account State Appropriation: For transfer to the Motor Vehicle Account State ..... \$400,000  
 ---(~~8~~)) (6) Advanced Right-of-Way Revolving Fund: For transfer to the Motor Vehicle Account--State .....  
 ((~~9~~) State Route Number 520 Civil Penalties Account State Appropriation: For transfer to the State Route Number 520 Corridor Account State ..... \$754,000  
 ---(~~10~~)) (7) Rural Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000  
 ((~~11~~)) (8) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account—State (~~(\$14,000,000)~~)  
\$16,000,000  
 ((~~12~~)) (9) State Route Number 520 Corridor Account--State Appropriation: For transfer to the Motor Vehicle Account--State( ~~in an amount equal to funds dispersed during the 2009-2011 fiscal biennium authorized under section 805(7) of this act.~~) \$58,000  
 ((~~13~~)) (10) Motor Vehicle Account--State Appropriation: For transfer to the Special Category C Account—State (~~(\$1,500,000)~~)  
\$2,500,000  
 ((~~14~~)) (11) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account—State \$1,000,000  
 ((~~15~~)) (12) State Patrol Highway Account--State Appropriation: For transfer to the Vehicle Licensing Fraud Account \$100,000  
 ((~~16~~) State Route Number 520 Corridor Account State Appropriation: For transfer to the Motor Vehicle Account \$2,435,000)  
 (13) Capital Vessel Replacement Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State .....  
 ((~~17~~)) (14) The transfers identified in this section are subject to the following conditions and limitations:  
 (a) (~~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 2005-2007 fiscal biennium.~~  
 ---~~(b) The transfer in subsection (9) of this section represents toll revenue collected from toll violations.)~~ The transfer in subsection (9) of this section represents the repayment of an amount equal to subprogram B5 expenditures that occurred in the motor vehicle account in the 2009-2011 fiscal biennium.  
 ---~~(b) The amount transferred in subsection (2) of this section shall not exceed the expenditures incurred from the motor vehicle account--state for the recreational vehicle sanitary disposal systems program.~~

COMPENSATION

Sec. 501. 2011 c 367 s 502 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol trooper's association under chapter 41.56 RCW for (~~the 2011-2013 fiscal biennium~~) fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

Sec. 502. 2011 c 367 s 503 (uncodified) is amended to read as follows:..... \$5,000,000

**COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol lieutenant's association under chapter 41.56 RCW for (~~the 2011-2013 fiscal biennium~~) fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

Sec. 503. 2011 c 367 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

No agreement has been reached between the governor and the masters, mates, and pilots marine operations watch supervisors under chapter 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this act reflect funding to maintain the provisions or terms and conditions of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013 appropriations are reduced to reflect a 6.0 percent temporary salary reduction effective July 1, 2012, through June 29, 2013, a reduction to overtime calculation, reduced vacation accruals, and other management priorities in collective bargaining. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated.

~~NEW SECTION. Sec. 504. A new section is added to RCW 367 (uncodified) to read as follows:~~

**EMPLOYEE HEALTH INSURANCE**  
Motor Vehicle Account--State Appropriation (\$2,000)

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

(1) The appropriation in this section is provided solely for a reduction in employee health insurance funding rate as described in section 9. of the 2012 supplemental omnibus operating budget, effective July 1, 2012, through June 30, 2013, for employees of the legislative branch.

(2) The appropriation from funds and accounts must be made in the amounts specified and from the funds and accounts specified in OFM Document 2011-INS-01 dated November 21, 2012.

**NEW SECTION. Sec. 505. TRANSPORTATION EMPLOYEES--COMPENSATION**

The following acts or parts of acts are each repealed:

(1) 2011 1st sp.s. c 50 s 718 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(2) 2011 1st sp.s. c 50 s 719 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(3) 2011 1st sp.s. c 50 s 720 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEE SALARY REDUCTIONS); and

(4) 2011 1st sp.s. c 50 s 721 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM CONTRIBUTIONS).

### IMPLEMENTING PROVISIONS

**NEW SECTION. Sec. 601.** A new section is added to chapter 47.76 RCW to read as follows:

Funds deemed by the department of transportation, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account created in RCW 47.76.250 for the purpose of sustaining the grain train program.

**Sec. 602.** 2011 c 367 s 608 (uncodified) is amended to read as follows:

#### STAFFING LEVELS

(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

(2) To this end, the department of transportation is directed to reduce the size of its engineering and technical workforce to a level sustained by current law revenue levels currently estimated at two thousand FTEs by the end of the 2013-2015 fiscal biennium. The department's current two thousand eight hundred FTE engineering and technical workforce levels for highway construction will be reduced in the 2011-2013 fiscal biennium, with a target of two thousand four hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by June 30, 2015.

(3) In order to successfully deliver the highway construction program as funded, the department of transportation may continue to contract out engineering and technical services. In addition, the department may continue the incentive program for retirements and employee separations. ~~((The department shall report quarterly to the office of financial management and the transportation committees of the legislature on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015. This report must also be posted on the department's web site.))~~

(4) The department of transportation is directed to reduce the size of its administrative operating programs for the 2013-2015 biennium. As part of the department's biennial budget submittal, the department shall reduce its workforce in Programs C, H, T, and S by five to seven percent. The ratio of executive management service or Washington management services employee staff must be at least seven staff for every manager by the end of the 2013-2015 biennium.

**Sec. 603.** 2011 c 367 s 603 (uncodified) is amended to read as follows:

### FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ((2011-1)) 2012-2 as developed ((April 19, 2011)) February 21, 2012, 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 account (nickel account) projects on the LEAP transportation documents referenced in this act. For the 2009-2011 and 2011-2013 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, or transportation partnership 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 or 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. Until the legislature reconvenes to consider the 2012 supplemental transportation budget, any unexpended 2009-2011 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;

(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 for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must 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 in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced 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.** A new section is added to 2011 c 367 (uncodified) to read as follows:

The department of transportation may provide up to \$163,000 in toll credits to the Port of Kingston for its role in the new passenger-only ferry service and ferry corridor-related projects. The number of

toll credits provided to the Port of Kingston must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized in this section.

**CONDITIONALLY ADDITIVE APPROPRIATIONS**

NEW SECTION. Sec. 701. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
State Patrol Highway Account--State Appropriation \$5,642,000  
Highway Safety Account--State Appropriation \$3,500,000  
TOTAL APPROPRIATION \$9,142,000

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

- (1) \$1,642,000 of the state patrol highway account--state appropriation is provided solely for the auto theft investigation units in King county, the city of Spokane, and the city of Tacoma.
- (2) \$4,000,000 of state patrol highway account--state appropriation and the entire highway safety account--state appropriation is provided solely for equipment acquisition, installation, integration, and financing needs associated with the conversion of the existing communication system to narrowbanding as required by the federal communications commission.

NEW SECTION. Sec. 702. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL**  
Highway Safety Account--State Appropriation \$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the county arterial preservation program to help counties meet urgent preservation needs.

NEW SECTION. Sec. 703. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**  
Highway Safety Account--State Appropriation \$3,000,000

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

- (1) \$2,700,000 of the highway safety account--state appropriation is provided solely for the urban arterial program to help cities meet urgent preservation and storm water needs.
- (2) \$300,000 of the highway safety account--state appropriation is provided solely for the small city pavement program to help cities meet urgent preservation and storm water needs.

NEW SECTION. Sec. 704. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**  
Motor Vehicle Account--State Appropriation \$8,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2012-3 as developed February 21, 2012. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes

available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights-of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall utilize an approach that ensures private sector general engineering consultant participation, continuity of personnel, and consistency with the department's business plan for reducing staffing in the highway construction program in the current and next biennia.

NEW SECTION. Sec. 705. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**  
Highway Safety Account--State Appropriation \$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to further reduce the highway maintenance backlog in order to maintain or increase levels of service.

NEW SECTION. Sec. 706. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**  
Highway Safety Account--State Appropriation \$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for urgent preservation needs on the state highway system.

NEW SECTION. Sec. 707. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES**  
Multimodal Transportation Account--State Appropriation .....

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

- (1) The appropriation in this section must be distributed statewide to transit authorities according to the distribution formula in subsection (2) of this section. Funding must be used for operations.
- (2) Of the amounts provided in this section:
  - (a) One-third must be distributed based on vehicle miles of service provided;
  - (b) One-third must be distributed based on the number of vehicle hours of service provided; and
  - (c) One-third must be distributed based on the number of passenger trips.
- (3) For the purposes of this section:
  - (a) "Transit authorities" has the same meaning as in RCW 9.91.025(2)(c).
  - (b) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for calendar year 2010.

NEW SECTION. Sec. 708. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
Highway Safety Account--State Appropriation \$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purchase of fuel for marine operations.

NEW SECTION. Sec. 709. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--  
WASHINGTON STATE FERRIES CONSTRUCTION--  
PROGRAM W**

Transportation 2003 Account

(Nickel Account)--State Appropriation \$130,000,000

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

(1) The appropriation in this section is provided solely for the purposes of constructing a ferry boat vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The appropriation in this section includes up to \$130,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

**NEW SECTION. Sec. 710.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL  
PROGRAMS--PROGRAM Z--CAPITAL**

Highway Safety Account--State Appropriation \$3,000,000

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

(1) \$1,000,000 of the highway safety account--state appropriation is provided solely to the freight mobility strategic investment board for grants to meet urgent freight corridor improvement and preservation needs, including advancing projects that are identified in LEAP Transportation Document 2012-2 ALL PROJECTS as developed February 21, 2012, and for other projects that meet the board's criteria.

(2) \$2,000,000 of the highway safety account--state appropriation is provided solely for safe routes to schools program projects, in rank order, and identified as contingency projects in the LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to school program projects, referenced in chapter 367, Laws of 2011 (the omnibus transportation appropriations act).

**NEW SECTION. Sec. 711.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**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--State Appropriation \$6,500,000

**NEW SECTION. Sec. 712.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND  
INTEREST, AND ONGOING BOND REGISTRATION AND  
TRANSFER CHARGES: FOR BOND SALE EXPENSES AND  
FISCAL AGENT CHARGES**

Transportation 2003 Account

(Nickel Account)--State Appropriation \$58,000

**NEW SECTION. Sec. 713.** Sections 701 through 708 and 710 of this act take effect November 1, 2012.

**NEW SECTION. Sec. 714.** Sections 709, 711, and 712 of this act take effect July 1, 2012.

**NEW SECTION. Sec. 715.** If chapter . . . (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 702, 703, 705, 706, 708, and 710(1) of this act are null and void.

**NEW SECTION. Sec. 716.** If chapter . . . (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 701, 704, 707, 709, 710(2), 711, and 712 of this act are null and void.

**MISCELLANEOUS**

**NEW SECTION. Sec. 801.** 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. 802.** Except for sections 701 through 712 of this act, 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.

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On page 1, beginning on line 2 of the title, strike the remainder of the title and insert "amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 and asked the Senate for a conference thereon. The Speaker (Representative Moeller presiding) appointed Representatives Armstrong, Billig and Clibborn as conferees.

#### MESSAGE FROM THE SENATE

March 7, 2012

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6494 and asks the House to recede therefrom,

and the same is herewith transmitted.

Thomas Hoemann, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position on its amendment to SUBSTITUTE SENATE BILL NO. 6494 and asked the Senate to concur therein.

#### MESSAGE FROM THE SENATE

March 7, 2012

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE SENATE BILL NO. 6135 and asks the House to recede the House amendment. And the same is herewith transmitted.

Brad Hendersen, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE

SENATE BILL NO. 6135 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6135, by Senate Committee on Energy, Natural Resources & Marine Waters (originally sponsored by Senators Hargrove, Swecker, Rolfes, Delvin, Regala, Ranker, Shin and Fraser)**

#### Regarding enforcement of fish and wildlife violations.

The bill was read the second time.

Representative Blake moved the adoption of amendment (1341).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.84.030 and 2011 c 320 s 14 are each amended to read as follows:

(1) An infraction proceeding is initiated by the issuance and service of a printed notice of infraction and filing of a printed or electronic copy of the notice of infraction.

(2)(a) A notice of infraction may be issued by a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under RCW 7.84.140, when the infraction occurs in that person's presence.

(b) A person who is a peace officer as defined in chapter 10.93 RCW may detain the person receiving the infraction for a reasonable period of time necessary to identify the person, check for outstanding warrants, and complete and issue a notice of infraction under RCW 7.84.050. A person who is to receive a notice of infraction is required to identify himself or herself to the peace officer by giving the person's name, address, and date of birth. Upon request, the person shall produce reasonable identification, which may include a driver's license or identicaid. Any person who fails to comply with the requirement to identify himself or herself and give the person's current address may be found to have committed an infraction.

(3) A court may issue a notice of infraction if a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under RCW 7.84.140, files with the court a written statement that the infraction was committed in that person's presence or that the officer has reason to believe an infraction was committed.

(4) Service of a notice of infraction issued under subsection (2) or (3) of this section shall be as provided by court rule.

(5) A notice of infraction shall be filed with a court having jurisdiction within five days of issuance, excluding Saturdays, Sundays, and holidays.

**Sec. 2.** RCW 7.84.020 and 2003 c 39 s 3 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Infraction" means an offense which, by the terms of Title 76, 77, 79, or 79A RCW or ~~((chapter 43.30 RCW))~~ RCW 7.84.030(2)(b) and rules adopted under these titles and ~~((chapters))~~ section, is declared not to be a criminal offense and is subject to the provisions of this chapter.

**Sec. 3.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating

- liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))  
Bribery (RCW 9A.68.010)  
  
Incest 1 (RCW 9A.64.020(1))  
  
Intimidating a Judge (RCW 9A.72.160)  
  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))  
Rape of a Child 3 (RCW 9A.44.079)  
  
Theft of a Firearm (RCW 9A.56.300)  
  
Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))  
Child Molestation 3 (RCW 9A.44.089)  
  
Criminal Mistreatment 2 (RCW 9A.42.030)  
Custodial Sexual Misconduct 1 (RCW 9A.44.160)  
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))  
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)  
Driving While Under the Influence (RCW 46.61.502(6))  
Extortion 1 (RCW 9A.56.120)  
  
Extortionate Extension of Credit (RCW 9A.82.020)  
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Incest 2 (RCW 9A.64.020(2))  
  
Kidnapping 2 (RCW 9A.40.030)  
  
Perjury 1 (RCW 9A.72.020)  
  
Persistent prison misbehavior (RCW 9.94.070)  
Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))  
Possession of a Stolen Firearm (RCW 9A.56.310)  
Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Sexually Violating Human Remains (RCW 9A.44.105)  
Stalking (RCW 9A.46.110)  
  
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)  
  
Assault 2 (RCW 9A.36.021)  
  
Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))  
Assault by Watercraft (RCW 79A.60.060)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Cheating 1 (RCW 9.46.1961)  
  
Commercial Bribery (RCW 9A.68.060)  
  
Counterfeiting (RCW 9.16.035(4))  
  
Endangerment with a Controlled Substance (RCW 9A.42.100)  
Escape 1 (RCW 9A.76.110)  
  
Hit and Run--Injury (RCW 46.52.020(4)(b))  
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))  
Identity Theft 1 (RCW 9.35.020(2))  
  
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Malicious Harassment (RCW 9A.36.080)  
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68(~~1~~)(2))  
A.070(2))  
Residential Burglary (RCW 9A.52.025)  
Robbery 2 (RCW 9A.56.210)  
  
Theft of Livestock 1 (RCW 9A.56.080)  
  
Threats to Bomb (RCW 9.61.160)  
  
Trafficking in Stolen Property 1 (RCW 9A.82.050)  
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))



- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (~~(RCW 9A.44.130(11)(a))~~) (RCW 9A.44.132(1)(b))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)

- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)
- Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))
- Sec. 4.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and amended to read as follows:
- The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.
- (1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.
- (2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (60), and (61) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).
- (3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.
- (4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.
- (6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds,

game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means ~~(a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions)):~~

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person

commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held ~~((or)), confined, propagated, hatched, fed, or otherwise~~ raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" ~~((means: (a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and (b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection))~~ has the same meaning as defined in section 5 of this act.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(51)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(52) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(53) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(54) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(55) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(56) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(57) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(58) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(59) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(60) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(61) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(62) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(63) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state ~~((and the species *Rana catesbeiana* (bullfrog)))).~~ The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(64) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(65) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(66) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(67) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(68) "Building" means a private domicile, garage, barn, or public or commercial building.

(69) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

(70) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

(71) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(72)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(73) "Large wild carnivore" includes wild bear, cougar, and wolf.

(74) "Natural person" means a human being.

(75)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the

likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(76) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(77) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

**NEW SECTION. Sec. 5.** A new section is added to chapter 77.08 RCW to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and

(iii) Has registered the person's vehicle or vehicles in Washington state.

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section.

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition.

(4) A member of the United States armed forces who is permanently stationed in Washington state or who designates Washington state on their military "state of legal residence certificate" or enlistment or re-enlistment documents. A copy of the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

**Sec. 6.** RCW 77.15.030 and 1999 c 258 s 1 are each amended to read as follows:

Except as provided in RCW 77.15.260(2)(b), where it is unlawful to hunt, take, fish, possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 7.** RCW 77.15.050 and 2009 c 333 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means(=

~~(a)) a final conviction in a state or municipal court(=~~

~~(b) A failure to appear at a hearing to contest an infraction or criminal citation; or~~

~~(c) An unvacated forfeiture of bail paid as a final disposition for an offense)).~~

(2) A plea of guilty(=) or a finding of guilt for a violation of this title or department rule ~~((of the commission or director))~~ constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

**Sec. 8.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read as follows:

(1) Fish and wildlife officers ~~((and ex officio fish and wildlife officers shall enforce this title, rules of the department, and other statutes as prescribed by the legislature. Fish and wildlife officers who are not ex officio officers))~~ shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

~~(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America who can read and write the English language. ((All fish and wildlife officers employed after June 13, 2002, must successfully complete the basic law enforcement academy course, known as the basic course, sponsored by the criminal justice training commission, or the basic law enforcement equivalency certification, known as the equivalency course, provided by the criminal justice training commission. All officers employed on June 13, 2002, must have successfully completed the basic course, the equivalency course, or the supplemental course in criminal law enforcement, known as the supplemental course, offered under chapter 155, Laws of 1985. Any officer who has not successfully completed the basic course, the equivalency course, or the supplemental course must complete the basic course or the equivalency course within fifteen months of June 13, 2002.~~

~~(2) Fish and wildlife officers are peace officers))~~ Before a person may be appointed to act as a fish and wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

~~(4) ((Fish and wildlife officers may serve and execute warrants and processes issued by the courts.~~

~~(5))~~ The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

**Sec. 9.** RCW 77.15.080 and 2002 c 281 s 8 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title(~~=~~ and). Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person ~~((=))~~ write his or her signature for comparison with the signature on ~~((the))~~ his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence

that the person is not the person named on the license. ~~((For licenses purchased over the internet or telephone,))~~ Fish and wildlife officers may require the person, if age ~~((eighteen))~~ sixteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

**Sec. 10.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to read as follows:

~~(1) ((Unless otherwise provided in this title,)) Fish, shellfish, ~~((or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.~~~~

~~(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the fish and wildlife enforcement reward account established under RCW 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held)) and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially harvested fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally harvested fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.~~

~~(2) Unless otherwise provided in this title, fish, shellfish, or wildlife taken, possessed, or harvested in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish, or wildlife may be returned, or its equivalent value paid, if the fish, shellfish, or wildlife have already been donated or sold.~~

**NEW SECTION. Sec. 11.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully hunting on, or retrieving hunted wildlife from, the property of another if the person knowingly enters or remains unlawfully in or on the premises of another for the purpose of hunting for wildlife or retrieving hunted wildlife.

(2) In any prosecution under this section, it is a defense that:

(a) The premises were at the time open to members of the public for the purpose of hunting, and the actor complied with all lawful conditions imposed on access to or remaining on the premises;

(b) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him or her to enter or remain on the premises for the purpose of hunting or retrieving hunted wildlife;

(c) The actor reasonably believed that the premises were not privately owned; or

(d) The actor, after making all reasonable attempts to contact the owner of the premises, retrieved the hunted wildlife for the sole purpose of avoiding a violation of the prohibition on the waste of fish and wildlife as provided in RCW 77.15.170. The defense in this subsection only applies to the retrieval of hunted wildlife and not to the actual act of hunting itself.

(3) Unlawfully hunting on or retrieving hunted wildlife from the property of another is a misdemeanor.

(4) If a person unlawfully hunts and kills wildlife, or retrieves hunted wildlife that he or she has killed, on the property of another, then, upon conviction of unlawfully hunting on, or retrieving hunted wildlife from, the property of another, the department shall revoke all hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(5) Any wildlife that is unlawfully hunted on or retrieved from the property of another must be seized by fish and wildlife officers. Forfeiture and disposition of the wildlife is pursuant to RCW 77.15.100.

**NEW SECTION. Sec. 12.** A new section is added to chapter 77.15 RCW to read as follows:

When seized property, other than fish, shellfish, and wildlife, is judicially forfeited to the department, the department may: (1) Retain it for official use unless the property is required to be destroyed; (2) upon application by any law enforcement agency of the state, release the property to the agency for use in enforcing this title; (3) donate the property as provided under RCW 77.130.060; or (4) sell the property and deposit the proceeds into the fish and wildlife enforcement reward account created in RCW 77.15.425. Any sale of the property must be done in accordance with RCW 77.130.010(1) and 77.130.020. However, the requirement in those sections for notice to owners does not apply.

**Sec. 13.** RCW 77.15.110 and 2002 c 127 s 2 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person engages in conduct that relates to commerce in fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial conduct may include taking, delivering, selling, buying, or trading fish, seaweed, shellfish, or wildlife where there is present or future exchange of money, goods, or any valuable consideration. Evidence that a person acts for commercial purposes includes, but is not limited to, the following conduct:

(a) Using gear typical of that used in commercial fisheries;

(b) Exceeding the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;

(c) Delivering or attempting to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler;

(d) Taking fish or shellfish using a vessel designated on a commercial fishery license or using gear not authorized in a personal use fishery;

(e) Using a commercial fishery license;

(f) Selling or dealing in raw furs for a fee or in exchange for goods or services; ~~((or))~~

(g) Performing taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services; or

(h) Packs, cuts, processes, or stores the meat of wildlife for consumption, for a fee or in exchange for goods or services.

(2) For purposes of this chapter, the value of any fish, seaweed, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the fish, seaweed,

shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, seaweed, shellfish, or wildlife by RCW 77.15.420 may be presumed to be the value of such fish, seaweed, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, seaweed, shellfish, or wildlife was taken in compliance with law if the fish, seaweed, shellfish, or wildlife was unlawfully taken and had no lawful market value.

**Sec. 14.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts, fishes, possesses, or maliciously kills protected fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of protected fish or wildlife, and the taking has not been authorized by rule of the commission; or

(b) The person violates any rule of the commission regarding the taking, harming, harassment, possession, or transport of protected fish or wildlife.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal killed or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and separately.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the person killed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts.

**Sec. 15.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to read as follows:

~~(A person is guilty of an infraction, which shall)~~ The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW~~(, if the person))~~:

(1) ~~(Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW 77.32.430, or required by rule of the commission under this title; or~~

~~(2) Fishes for personal use using barbed hooks in violation of any rule; or~~

~~(3) Violates any other rule of the commission or director that is designated by rule as an infraction))~~ Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(4) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

(e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**Sec. 16.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife ~~((in the second degree))~~ if:

~~(a) ((The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and~~

~~(b) The person recklessly allows such fish, shellfish, or wildlife to~~

~~be \_\_\_\_\_ wasted.~~

~~(2) A person is guilty of waste of fish and wildlife in the first degree \_\_\_\_\_ if:~~

~~(a)) The person kills, takes, or possesses fish, shellfish, or wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and~~

~~(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.~~

~~((3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.~~

~~(b)) (2) Waste of fish and wildlife ((in the first degree)) is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife ((in the first degree)) for a period of one year.~~

~~((4)) (3) It is prima facie evidence of waste if:~~

~~(a) A processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable \_\_\_\_\_ condition; or~~

~~(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing \_\_\_\_\_ and:~~

~~(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or~~

~~(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.~~

**Sec. 17.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title;

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals, with the exception of reporting rules; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 18.** RCW 77.15.240 and 1998 c 190 s 30 are each amended to read as follows:

(1) A person is guilty of unlawful use of dogs if the person:

(a) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or ~~((injuring))~~ killing deer, elk, moose, caribou, mountain sheep, or ~~((a))~~ animals classified as endangered under this title; or

(b) Uses the dog to hunt deer or elk ~~((or~~

~~(c) During the closed season for a species of game animal or game bird, negligently fails to prevent the dog from pursuing such animal or destroying the nest of a game bird)).~~



(2) For purposes of this section, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

~~(3) Unlawful use of dogs is a misdemeanor. ((A dog that is the basis for a violation of this section may be declared a public nuisance.))~~

(4)(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a snow bound deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or  
(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 19.** RCW 77.15.260 and 2001 c 253 s 33 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the second degree if the person traffics in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or department rule (~~(of the department)~~); or

(b) The fish, shellfish, or wildlife is unclassified and the trafficking violates any department rule (~~(of the department)~~).

(2)(a) A person is guilty of unlawful trafficking in fish, shellfish, or wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

~~((a))~~ (i) The fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; or

~~((b))~~ (ii) The fish, shellfish, or wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule (~~(of the department)~~).

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when considered separately, constitute unlawful trafficking in the second degree due to the value of the fish, shellfish, or wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the second degree is a (~~gross misdemeanor~~) class C felony.

(b) Unlawful trafficking in fish, shellfish, or wildlife in the first degree is a class (~~(C)~~) B felony.

**Sec. 20.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any department rule (~~(of the commission or the director)~~); or

~~(b) ((Fails to maintain a trapper's report or taxidermist ledger in violation of any rule of the commission or the director;~~  
~~(c)) Fails to submit any portion of a big game animal for ((a required)) an inspection as required by department rule (~~(of the commission or the director;~~ or~~

~~(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab).~~

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor.

**Sec. 21.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~(of the commission or the director)~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule (~~(of the commission or director)~~).

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule (~~(of the commission or the director)~~) governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

~~(4) ((A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.~~

~~(5) Unless otherwise prohibited by law, a person may transport aquatic plants:~~

~~(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;~~

~~(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;~~

~~(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;~~

~~(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or~~

~~(e) As the commission may otherwise prescribe.~~

~~(6) Unlawful transport of aquatic plants is a misdemeanor.~~

~~(7)) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.~~

**Sec. 22.** RCW 77.15.370 and 2009 c 333 s 17 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish

taken by such means, unless such means are authorized by express department rule (~~(of the commission or director)~~);

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. ~~((17.11 (2002)))~~ 223.102 (2006) or Sec. 224.101 (2010), unless fishing for or possession of such fish is specifically allowed under federal or state law; ~~((#))~~

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department; or

(f) The person possesses a salmon or steelhead during a season closed for that species.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

**Sec. 23.** RCW 77.15.380 and 2010 c 193 s 5 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for ~~((#))~~ fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes, possesses, or harvests fish or shellfish and:

(a) The person owns, but does not have ~~((and possess))~~ in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any department rule (~~(of the commission or the director)~~) regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish ~~((, except for))~~. This section does not apply to use of a net to take fish ((as provided for in)) under RCW 77.15.580 ((and)) or the unlawful use of shellfish gear for personal use ((as provided in)) under RCW 77.15.382.

~~((#))~~ (3) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 24.** RCW 77.15.390 and 2001 c 253 s 40 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person ~~((does not have and possess the license required by chapter 77.32 RCW for taking seaweed))~~ has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter 77.32 RCW; or

~~(b) The ((action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting))~~ person takes, possesses, or harvests seaweed in an amount that is two times or more of the daily possession limit of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 25.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild birds in the second degree if the person hunts for wild birds and, whether or not the person possesses wild birds, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild birds in the second degree if the person takes or possesses less than two times the bag or possession limit of wild birds and the person:

(a) ~~((Hunts for, takes, or possesses a wild bird and the person does not have and possess))~~ Owns, but does not have in the person's

possession, all licenses, tags, stamps, and permits required under this title; or

~~(b) ((Maliciously destroys, takes, or harms the eggs or nests of a wild bird except when authorized by permit;~~

~~—(e)) Violates any department rule ((of the commission or director)) regarding seasons, bag or possession limits ((but less than two times the bag or possession limit)), closed areas, closed times, or ((other rule addressing)) the manner or method of hunting or possession of wild birds((; — or~~

~~—(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird)).~~

~~((#))~~ (3) A person is guilty of unlawful hunting of wild birds in the first degree if the person takes or possesses two times or more than the possession or bag limit for wild birds allowed by department rule ((of the commission or director)).

~~((#))~~ (4) Unlawful hunting of wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of wild birds in the first degree is a gross misdemeanor.

~~((#))~~ (5) In addition to the penalties set forth in this section, if a person, other than a youth as defined in RCW 77.08.010 for hunting purposes, violates a department rule ((adopted by the commission under the authority of this title)) that requires the use of nontoxic shot, upon conviction:

(a) The court shall require a payment of one thousand dollars as a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425. The criminal wildlife penalty assessment must be imposed regardless of and in addition to any sentence, fine, or costs imposed for violating this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect; and

(b) The department shall revoke the hunting license of the person and order a suspension of small game hunting privileges for two years.

**Sec. 26.** RCW 77.15.410 and 2011 c 133 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; or

(b) Violates any department rule (~~(of the commission or director)~~) regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game ~~((; — or~~

~~—(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game)).~~

(2) A person is guilty of unlawful hunting of big game in the first degree if the person commits the act described in subsection (1) of this section and:

(a) The person hunts for, takes, or possesses three or more big game animals within the same course of events; or

(b) The act occurs within five years of the date of a prior conviction under this title involving unlawful hunting, killing, possessing, or taking big game.

(3) (a) Unlawful hunting of big game in the second degree is a gross misdemeanor. Upon conviction of an offense involving killing or possession of big game taken during a closed season, closed area, ((or taken)) without the proper license, tag, or permit using an unlawful method, or in excess of the bag or possession limit, the department shall revoke all of the person's hunting licenses and tags and order a suspension of the person's hunting privileges for two years.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all of the person's hunting licenses or tags and order the person's hunting privileges suspended for ten years.

(4) For the purposes of this section, "same course of events" means within one twenty-four hour period, or a pattern of conduct composed of a series of acts that are unlawful under subsection (1) of this section, over a period of time evidencing a continuity of purpose.

**Sec. 27.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of wild animals in the second degree if the person hunts for wild animals not classified as big game and, whether or not the person possesses the wild animals, the person has not purchased the appropriate hunting license issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful hunting of wild animals in the second degree if the person:

(a) ~~((Hunts for;))~~ Takes ~~((;))~~ or possesses a wild animal that is not classified as big game, and owns, but does not have ~~((and possess))~~ in the person's possession, all licenses, tags, or permits required by this title; or

(b) Violates any department rule ~~((of the commission or director))~~ regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or any other rule addressing the manner or method of hunting or possession of wild animals not classified as big game ~~((; or~~ ~~—(c) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal)).~~

~~((2))~~ (3) A person is guilty of unlawful hunting of wild animals in the first degree if the person takes or possesses two times or more than the possession or bag limit for wild animals that are not classified as big game animals as allowed by department rule ~~((of the commission or director))~~.

~~((3))~~ (4)(a) Unlawful hunting of wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of wild animals in the first degree is a gross misdemeanor.

**Sec. 28.** RCW 77.15.460 and 1999 c 258 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded ~~((firearm in a motor vehicle))~~ rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in ~~((or on))~~ a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently ~~((shoots))~~ discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded ~~((firearm in))~~ rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm ~~((is a))~~ are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle or a nonmoving off-road vehicle, as long as the engine is

turned off and the motor vehicle or off-road vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule.

(5) For purposes of subsection (1) of this section, a ~~((firearm))~~ rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the ~~((firearm))~~ rifle or shotgun.

**Sec. 29.** RCW 77.15.610 and 2009 c 333 s 5 are each amended to read as follows:

(1) A person who holds a fur ~~((buyer's))~~ dealer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person ~~((; or~~ ~~—(a))~~ fails to purchase and have in the ~~((license in))~~ person's possession the required license while engaged in fur buying or practicing taxidermy for commercial purposes ~~((; or~~ ~~—(b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license)).~~

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

**Sec. 30.** RCW 77.15.620 and 2009 c 333 s 20 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other by-products from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

~~((2))~~ ~~((Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.~~ ~~—(3))~~ A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves ~~((; or~~ ~~—(a))~~ fish or shellfish worth two hundred fifty dollars or more ~~((; or~~ ~~—(b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or~~ ~~—(c) violates [a violation of] any other rule of the department regarding wholesale fish buying and dealing)).~~

(3)(a) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(b) Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 31.** RCW 77.15.630 and 2000 c 107 s 254 are each amended to read as follows:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(1) A person who ~~((holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 is guilty of unlawful use of fish buying and dealing licenses))~~ acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket or other documentation required by statute or department rule ((of the department)); or

(c) Fails to sign the fish receiving ticket or other required documentation, fails to provide all of the information required by statute or department rule on the fish receiving ticket or other documentation, or both.

(2) A person is guilty of unlawful ((use of fish buying and dealing licenses)) fish and shellfish catch accounting in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful ((use of fish buying and dealing licenses)) fish and shellfish catch accounting in the second degree is a gross misdemeanor.

(b) Unlawful ((use of fish buying and dealing licenses)) fish and shellfish catch accounting in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 32.** RCW 77.15.640 and 2002 c 301 s 8 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, a fish buyer's license required by RCW 77.65.340, or a direct retail endorsement under RCW 77.65.510 is guilty of ((violating rules governing)) unlawful wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license; or

(b) Fails to display or uses the license in violation of any department rule ((of the department);

(c) Files a signed fish receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing).

(2) ((Violating rules governing)) Unlawful wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 33.** RCW 77.15.650 and 2008 c 10 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Except as authorized under RCW 77.32.565, uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Except as authorized under RCW 77.32.565, permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended;

(f) Holds a resident license from another state or country. This subsection (1)(f) only applies if the Washington license, tag, permit, or approval that the person buys, holds, uses, displays, transfers, or

obtains is a resident license. It is prima facie evidence of a violation of this section if any person who has a resident license from another state or country purchases a resident license, tag, permit, or approval in Washington. This subsection does not apply to individuals who meet the definition of "resident" in section 5(2), (3), and (4) of this act.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 34.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to read as follows:

(1) A person is guilty of unlawful use of a scientific permit if the permit issued by the director is for big game or big game parts, and the person:

(a) Violates any terms or conditions of ((a)) the scientific permit ((issued by the director));

(b) Buys or sells ((fish or wildlife taken)) big game or big game parts that were taken or acquired with a scientific permit; or

(c) Violates any department rule ((of the commission or the director)) applicable to the issuance or use of scientific permits.

(2) Unlawful use of a scientific permit is a gross misdemeanor.

**Sec. 35.** RCW 77.15.700 and 2009 c 333 s 2 are each amended to read as follows:

(1) The department shall ((impose revocation and suspension of)) revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

(a) Upon conviction, if directed by statute for an offense.

(b) Upon conviction ((of a violation not involving commercial fishing)), failure to appear at a hearing to contest an infraction or criminal charge, or an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Suspension of privileges under this subsection may be permanent.

(c) If a person is convicted, fails to appear at a hearing to contest an infraction or criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, twice within ten years for a violation involving unlawful hunting, killing, or possessing big game. Revocation and suspension under this subsection must be ordered for all hunting privileges for two years.

(d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense; (ii) has an ~~((uncontested notice of))~~ unvacated payment of a fine or a finding of committed as a final disposition for any infraction; or (iii) fails to appear at a hearing to contest ~~((a fish and wildlife infraction; or (iv) is found to have committed))~~ an infraction or a criminal citation. Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

(2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

(b) The commission may, by rule, designate infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

(3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, fails to appear at a hearing to contest a fish and wildlife infraction or a criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any fish and wildlife infraction, except for a violation of RCW 77.15.400 (1) through ~~((3))~~ (4), the department may revoke all hunting licenses and tags and may order a suspension of either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

(4) A person who has a recreational license revoked and privileges suspended under this section may file an appeal with the department pursuant to chapter 34.05 RCW. An appeal must be filed within twenty days of notice of license revocation and privilege suspension. If an appeal is filed, the revocation and suspension issued by the department do not take effect until twenty-one days after the department has delivered an opinion. If no appeal is filed within twenty days of notice of license revocation and suspension, the right to an appeal is waived, and the revocation and suspension take effect twenty-one days following the notice of revocation and suspension.

(5) A recreational license revoked and privilege suspended under this section is in addition to the statutory penalties assigned to the underlying violation.

**Sec. 36.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to read as follows:

(1)(a) If a person ~~((shoots))~~ discharges a firearm, bow, or crossbow while hunting and in a manner that injures, or that a reasonable person would believe is likely to injure, another person ~~((or domestic livestock while hunting)),~~ the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. If the shooting ~~((of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's))~~ kills or results in the death of another person, then the director shall revoke all of the shooter's hunting licenses and suspend all of the person's hunting privileges ~~((shall be suspended))~~ for ten years. ~~((The))~~

(b) If a person, with malice, discharges a firearm, bow, or crossbow while hunting and in a manner that kills or causes substantial bodily harm to livestock belonging to another person, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. For the purposes of this subsection (1)(b), "malice" has the same meaning as provided in RCW 9A.04.110 but applies to acts against livestock.

(2) A suspension under subsection (1) of this section shall be continued beyond ~~((these))~~ the applicable periods if damages owed to the victim or livestock owner have not been paid by the suspended

person. ~~((A))~~ In such a case, no hunting license shall ~~((not))~~ be reissued to the suspended person unless authorized by the director.

~~((2))~~ Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review. (3) A person who is notified of a license revocation under this section may request an appeal hearing under chapter 34.05 RCW.

~~((3))~~ (4) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which such a reinstatement will be allowed.

**Sec. 37.** RCW 77.15.740 and 2008 c 225 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) ~~((Approach, by any means, within three hundred feet of a southern resident orca whale (Orcinus orca);~~

~~((b) Cause a vessel or other object to approach within three hundred feet of a southern resident orca whale;~~

~~((c) Intercept a southern resident orca whale. A person intercepts a southern resident orca whale when that person places a vessel or allows a vessel to remain in the path of a whale and the whale approaches within three hundred feet of that vessel;~~

~~((d) Fail to disengage the transmission of a vessel that is within three hundred feet of a southern resident orca whale, for which the vessel operator is strictly liable; or~~

~~((e) Feed a southern resident orca whale, for which any person feeding a southern resident orca whale is strictly liable.~~

(2) A person is exempt from subsection (1) of this section where:

~~((a) A reasonably prudent person in that person's position would determine that compliance with the requirements of subsection (1) of this section will threaten the safety of the vessel, the vessel's crew or passengers, or is not feasible due to vessel design limitations, or because the vessel is restricted in its ability to maneuver due to wind, current, tide, or weather;~~

~~((b) That person is lawfully participating in a commercial fishery and is engaged in actively setting, retrieving, or closely tending commercial fishing gear;~~

~~((c) That person is acting in the course of official duty for a state, federal, tribal, or local government agency; or~~

~~((d) That person is acting pursuant to and consistent with authorization from a state or federal government agency.~~

(3) Nothing in this section is intended to conflict with existing rules regarding safe operation of a vessel or vessel navigation rules.

~~((4))~~ Cause a vessel or other object to approach, in any manner, within two hundred yards of a southern resident orca whale;

(b) Position a vessel to be in the path of a southern resident orca whale at any point located within four hundred yards of the whale. This includes intercepting a southern resident orca whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within two hundred yards of a southern resident orca whale; or

(d) Feed a southern resident orca whale.

(2) A person is exempt from subsection (1) of this section if that person

(a) Operating a federal government vessel in the course of his or her official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service measure of

direction. This also includes support vessels escorting ships in the traffic lanes, such as tug boats;

(c) Engaging in an activity, including scientific research, pursuant to a permit or other authorization from the national marine fisheries service and the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca whale overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels engaged in whale watching activities, or other small craft including power boats and sailboats.

~~((5))~~ (4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

**NEW SECTION. Sec. 38.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not negligently feed or attempt to feed large wild carnivores or negligently attract large wild carnivores to land or a building.

(2) If a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, has probable cause to believe that a person is negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building by placing or locating food, food waste, or other substance in, on, or about any land or building, and the food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because it is attracting or could attract large wild carnivores to the land or building, that person commits an infraction under chapter 7.84 RCW.

(3) Subsection (2) of this section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices consistent with Titles 15 and 16 RCW;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Entities listed in RCW 16.30.020(1) (a) through (j) and scientific collection permit holders; or

(e) A fish and wildlife officer or employee or agent of the department operating under the authority of or upon request from an officer conducting authorized wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(4) For persons and entities listed in subsection (3) of this section, a fish and wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, may issue a written warning to the person or entity if:

(a) The officer or animal control authority can articulate facts to support that the person or entity has placed or is responsible for placing food, food waste, or other substance in, on, or about the person's or entity's land or buildings; and

(b) The food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because the food, food waste, or

other substance is attracting or could attract large wild carnivores to the land or buildings.

(5)(a) Any written warning issued under subsection (4) of this section requires the person or entity placing or otherwise responsible for placing the food, food waste, or other substance to contain, move, or remove that food, food waste, or other substance within two days.

(b) If a person who is issued a written warning under (a) of this subsection fails to contain, move, or remove the food, food waste, or other substance as directed, the person commits an infraction under chapter 7.84 RCW.

**NEW SECTION. Sec. 39.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not intentionally feed or attempt to feed large wild carnivores or intentionally attract large wild carnivores to land or a building.

(2) A person who intentionally feeds, attempts to feed, or attracts large wild carnivores to land or a building is guilty of a misdemeanor.

(3) A person who is issued an infraction under section 38 of this act for negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building, and who fails to contain, move, or remove the food, food waste, or other substance within twenty-four hours of being issued the infraction, is guilty of a misdemeanor.

**NEW SECTION. Sec. 40.** The following acts or parts of acts are each repealed:

(1) RCW 77.12.315 (Dogs harassing deer and elk--Declaration of emergency--Taking dogs into custody or destroying--Immunity) and 2000 c 107 s 221, 1987 c 506 s 40, 1980 c 78 s 49, & 1971 ex.s. c 183 s 1;

(2) RCW 77.15.140 (Unclassified fish or wildlife--Unlawful taking--Penalty) and 1998 c 190 s 15;

(3) RCW 77.15.220 (Unlawful posting--Penalty) and 1998 c 190 s 25; and

(4) RCW 77.15.330 (Unlawful hunting or fishing contests--Penalty) and 2001 c 253 s 36 & 1998 c 190 s 56.

**NEW SECTION. Sec. 41.** 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."

Correct the title.

Representatives Blake and Chandler spoke in favor of the adoption of the striking amendment.

Amendment (1341) 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 Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6135, as amended by the House.

## MOTION

On motion of Representative Van De Wege, Representative Eddy was excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6135, as amended by the House, and the bill

passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloschia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Eddy.

SUBSTITUTE SENATE BILL NO. 6135, as amended by the House, having received the necessary constitutional majority, was declared passed.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 6, 2012

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.80.010 and 2011 c 320 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" or "agencies" means the department of fish and wildlife, the department of natural resources, and the parks and recreation commission.

(2) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

(3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080 and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park ~~((or)), state lands and state forest lands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads~~~~((or department of natural resources developed or designated recreation areas, sites, trailheads, and parking areas)).~~

(8) "Sno-park seasonal permit" means the seasonal permit issued by the parks and recreation commission for providing access to winter

recreational facilities for the period of November 1st through March 31st.

(9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

Sec. 2. RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read as follows:

(1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and 79A.80.070, a discover pass is required for any motor vehicle to park or operate on any recreation site or lands, except for short-term parking as may be authorized under RCW 79A.80.070.

(2) The cost of ~~((the))~~ a discover pass is thirty dollars ~~((per motor vehicle))~~. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) ~~((The))~~ A discover pass is valid for one year ~~((from the date of issuance))~~ beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) ~~((The discover pass must be made available for purchase throughout the year through the department of fish and wildlife's automated licensing system consistent with RCW 77.32.050.~~

~~((5) The))~~ Sales of discover ((pass)) passes must be ((made available for purchase through the department of licensing as provided in RCW 46.16A.090. The department of licensing, county auditor, or other agent or subagent appointed by the director, is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies must deliver the purchased discover pass to a motor vehicle owner.

~~((6) The state parks and recreation commission may make the discover pass available for purchase through its reservation system and other outlets authorized by law to sell licenses, permits, or passes))~~ consistent with section 4 of this act.

~~((7))~~ (5) The discover pass must contain space for ((the)) two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

~~((8) A))~~ (6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

Sec. 3. RCW 79A.80.030 and 2011 c 320 s 4 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. ~~((The))~~ A day-use permit is ten dollars per day and must be available for purchase from each agency. ~~((The))~~ A day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where ~~((the))~~ a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 79A.80 RCW to read as follows:

(1) Discover passes and day-use permits may be made available for purchase:

(a) Through vendors under contract with one or more of the agencies. The agencies may provide vendors with discover passes and day-use permits at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the state parks and recreation commission, both through that agency's parks reservation system, directly from agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and section 11 of this act;

(d) From other outlets authorized by law to sell state licenses, permits, or passes; and

(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.

(2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.

(3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies.

**Sec. 5.** RCW 79A.80.040 and 2011 c 320 s 5 are each amended to read as follows:

(1) The vehicle access pass is created solely for access to the department of fish and wildlife recreation sites or lands. The vehicle access pass is only available to a person who purchases a current valid: Big game hunting license issued under RCW 77.32.450; small game hunting license issued under RCW 77.32.460; western Washington pheasant permit issued under RCW 77.32.575; trapping license issued under RCW 77.65.450; watchable wildlife decal issued under RCW 77.32.560; or combination, saltwater, or freshwater personal use fishing license issued under RCW 77.32.470.

(2) One vehicle access pass must be issued per purchase pursuant to subsection (1) of this section.

(3) The vehicle access pass is valid for the license year of the license it is purchased with.

(4) The vehicle access pass must contain space for two motor vehicle license plate numbers. A vehicle access pass is only valid for those vehicle license plate numbers written on the pass.

**Sec. 6.** RCW 79A.80.050 and 2011 c 320 s 6 are each amended to read as follows:

(1) ~~((The))~~ A discover pass or ~~((the))~~ a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.

(2) The state parks and recreation commission ~~((may))~~ must provide up to twelve days a year where entry to ~~((the))~~ state parks is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days planned by the national park service for national parks located in the general region of high volume state parks.

**Sec. 7.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read as follows:

(1) ~~((The))~~ A discover pass, ~~((the))~~ vehicle access pass, or ~~((the))~~ day-use permit must be visibly displayed in the front windshield of any motor vehicle or otherwise in a prominent location for vehicles without a windshield:

(a) Operating on a recreation site or lands; or

(b) Parking at a recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required on private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted.

~~(3)((a))~~ The discover pass, the vehicle access pass, or the day-use permit is not required for:

(a) Persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements((-

—(b) The discover pass or the day use permit is not required); or

(b) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040.

(4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(5) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

~~((5))~~ (6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty ((is)) must be reduced to fifty-nine dollars if an individual provides proof of purchase of ((the)) a discover pass to the court within fifteen days after the issuance of the notice of violation.

**Sec. 8.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group ~~((shall))~~ must agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;



(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge ~~((such))~~ fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may utilize unstaffed collection stations to collect any fees or distribute any permits necessary for access to state parks, including discover passes and day-use permits as those terms are defined in RCW 79A.80.010;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who ~~((shall))~~ must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) ~~((Without being limited to the powers hereinbefore enumerated, the commission shall have))~~ Utilize such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter ~~((— PROVIDED, That))~~. However, the commission ~~((shall))~~ does not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**Sec. 9.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.

(2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.

(b) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must:

(i) Ask a vehicle owner applying for a vehicle registration if the owner would like to donate one dollar or more;

(ii) Inform a vehicle owner of the option for organ and tissue donations as required under RCW 46.20.113; and

(iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.

(c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.

(3) The department ~~((shall))~~ must collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), ((e), (g), (h), (j), (k), (n), (o), or (q)) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of ~~((ten))~~ twelve thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department ~~((shall))~~ must ensure that the opt-out donation under this section is clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not

participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(4) ~~((Beginning with vehicle license fees that are due or will become due on or after October 1, 2011,))~~ A vehicle owner who registers a vehicle under this chapter may purchase a discover pass for ~~((a fee of thirty dollars, as may be adjusted for inflation under))~~ the price amount established in RCW 79A.80.020. Purchase of ~~((the))~~ a discover pass is voluntary by the vehicle owner. The discover pass fee must be deposited in the recreation access pass account created in RCW 79A.80.090. The department, county auditor, or other agent or subagent appointed by the director is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies, as defined in RCW 79A.80.010, must deliver the purchased discover pass to a motor vehicle owner.

**Sec. 10.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to read as follows:

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required;

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency ~~((shall))~~ must, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor ~~((shall))~~ must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract with the county auditor or agent provided by the director; ~~((and))~~

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

- (i) Processing reports of sale;
- (ii) Processing transitional ownership transactions;
- (iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;
- (iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;
- (v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and
- (vi) Collecting fees and taxes as required; and
- (c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department ~~((shall))~~ must develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section.

NEW SECTION. Sec. 11. A new section is added to chapter 46.01 RCW to read as follows:

The department may, in coordination with the state parks and recreation commission, offer for sale and distribute discover passes and day-use permits, as provided in chapter 79A.80 RCW, at the department's drivers' licenses offices. Any amounts collected by the department through the sales of discover passes and day-use permits must be deposited in the recreation access pass account created in RCW 79A.80.090.

NEW SECTION. Sec. 12. (1) A state agency may not refund money for a discover pass or vehicle access pass issued prior to the effective date of this section.

(2) Each discover pass or vehicle access pass issued prior to the effective date of this section is valid for two license plate numbers written on the pass.

(3) For the purposes of this section, the terms "discover pass" and "vehicle access pass" have the same meanings provided under RCW 79A.80.010.

(4) This section expires December 31, 2013.

NEW SECTION. Sec. 13. (1) By December 31, 2013, the agencies responsible for implementing the discover pass requirements of chapter 79A.80 RCW must prepare a report to the legislature, delivered consistent with RCW 43.01.036, that identifies opportunities for simplifying the administration and use of the discover pass and creating consistent recreational access policies across all lands that require a discover pass for lawful recreational access. The report must specifically address options for consistent boat launch policies among the agencies and, more generally, address how consistency can be developed for other inconsistent interagency access policies.

(2) To the degree the agencies have the authority to address inconsistent recreational access policies administratively, progress towards this end should be included in the required report. If inconsistent recreational access policies are a result of statutory limits, then the report should identify those barriers to consist recreational access policies.

(3) This section expires July 30, 2014.

NEW SECTION. Sec. 14. 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."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090, and 46.01.140; adding a new section to chapter 79A.80 RCW; adding a new section to chapter 46.01 RCW; creating new sections; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2373, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2373, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Asay, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Klippert, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Hurst, Johnson, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Eddy.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

February 29, 2012

Mr. Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 2585 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.88.160 and 2006 c 1 s 6 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply

with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter the plans, except that for the following agencies no amendment

or alteration of the plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of ~~(general administration)~~ enterprise services but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment except that institutions of higher education as defined in RCW 28B.10.016 may make payments in advance for equipment maintenance services to be performed up to sixty months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with ~~(regulations)~~ rules issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in

conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

~~((g))~~ In addition to the authority given to the state auditor in this subsection (6), the state auditor is authorized to conduct performance audits identified in RCW 43.09.470. Nothing in this subsection (6) shall limit, impede, or restrict the state auditor from conducting performance audits identified in RCW 43.09.470.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

**Sec. 2.** RCW 41.06.157 and 2011 1st sp.s. c 43 s 411 are each amended to read as follows:

(1) To promote the most effective use of the state's workforce and improve the effectiveness and efficiency of the delivery of services to the citizens of the state, the director shall adopt and maintain a comprehensive classification plan for all positions in the classified service. The classification plan must:

(a) Be simple and streamlined;

(b) Support state agencies in responding to changing technologies, economic and social conditions, and the needs of its citizens;

(c) Value workplace diversity;

(d) Facilitate the reorganization and decentralization of governmental services;

(e) Enhance mobility and career advancement opportunities; and

(f) Consider rates in other public employment and private employment in the state.

(2) An appointing authority and an employee organization representing classified employees of the appointing authority for collective bargaining purposes may jointly request the human resources director to initiate a classification study.

(3) For institutions of higher education and related boards, the director may adopt special salary ranges to be competitive with positions of a similar nature in the state or the locality in which the institution of higher education or related board is located.

(4) For health care classifications, institutions of higher education may implement higher education health care special pay plans to be competitive with positions of a similar nature in the locality in which the institution of higher education is located. In administering a special pay plan, institutions may authorize compensation changes including but not limited to increases in salary ranges, new top steps in salary ranges, premium pay, and adjustments for community practice. Such special pay plans are not subject to director approval or adoption; however, institutions of higher education shall report annually to the director actions they have taken under the provisions of this section.

(5) The director may undertake salary surveys of positions in other public and private employment to establish market rates. Any salary survey information collected from private employers which identifies a specific employer with salary rates which the employer pays to its employees shall not be subject to public disclosure under chapter 42.56 RCW.

**Sec. 3.** RCW 41.04.240 and 1977 ex.s. c 269 s 1 are each amended to read as follows:

(1) Except with regard to institutions of higher education as defined in RCW 28B.10.016, any official of the state or of any political subdivision, municipal corporation, or quasi-municipal corporation authorized to disburse funds in payment of salaries and wages of employees is authorized upon written request of at least twenty-five employees to pay all or part of such salaries or wages to any financial institution for either: ((+)) (a) Credit to the employees' accounts in such financial institution; or ((2)) (b) immediate transfer therefrom to the employees' accounts in any other financial institutions((

PROVIDED, \_\_\_\_\_ That)),

(2) In disbursing funds for payment of salaries and wages of employees, institutions of higher education as defined in RCW 28B.10.016 are authorized to require the following payment methods:

(a) For employees who have an account in a financial institution, payment to any financial institution for either: (i) Credit to the employees' accounts in such financial institution; or (ii) immediate transfer therefrom to the employees' accounts in any other financial institutions; and

(b) For employees who do not have an account in a financial institution, payment by alternate methods such as payroll cards.

(3) Nothing in this section shall be construed as authorizing any employer to require the employees to have an account in any particular financial institution or type of financial institution. A single warrant may be drawn in favor of such financial institution, for the total amount due the employees involved, and written directions provided to such financial institution of the amount to be credited to the account of an employee or to be transferred to an account in another financial institution for such employee. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the financial institution shall have the same legal effect as payment directly to the employee.

For the purposes of this section "financial institution" means any bank or trust company established in this state pursuant to chapter 2, Title 12, United States Code, or Title 30 RCW, and any credit union established in this state pursuant to chapter 14, Title 12, United States Code, or chapter 31.12 RCW, and any mutual savings bank established in this state pursuant to Title 32 RCW, and any savings and loan association established in this state pursuant to chapter 12, Title 12, United States Code, or Title 33 RCW.

**Sec. 4.** RCW 28B.10.029 and 2011 1st sp.s. c 43 s 303 and 2011 c 198 s 1 are each reenacted and amended to read as follows:

(1)(a) An institution of higher education may exercise independently those powers otherwise granted to the director of enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination

thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

**NEW SECTION. Sec. 5.** By January 1, 2017, institutions of higher education as defined in RCW 28B.10.016 must report to the legislature and the governor on: (1) The amount of savings resulting

from use of the higher education provisions of this act; and (2) the manner in which such savings were used to promote student academic success.

**Sec. 6.** RCW 28B.15.031 and 2011 1st sp.s. c 10 s 2 and 2011 c 274 s 2 are each reenacted and amended to read as follows:

(1) The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That a minimum of five percent of operating fees shall be retained by the four-year institutions of higher education that increase tuition for resident undergraduate students above assumed tuition increases in the omnibus appropriations act, a minimum of four percent of operating fees shall be retained by four-year institutions of higher education that do not increase tuition for resident undergraduates above assumed increases in the omnibus appropriations act, and a minimum of three and one-half percent of operating fees shall be retained by the community and technical colleges for the purposes of RCW 28B.15.820. At least thirty percent of operating fees required to be retained by the four-year institutions for purposes of RCW 28B.15.820 shall be used only for the purposes of RCW 28B.15.820(10).

(2) In addition to the three and one-half percent of operating fees retained by the institutions under subsection (1) of this section, up to three percent of operating fees charged to students at community and technical colleges shall be transferred to the community and technical college innovation account for the implementation of the college board's strategic technology plan in RCW 28B.50.515. The percentage to be transferred to the community and technical college innovation account shall be determined by the college board each year but shall not exceed three percent of the operating fees collected each year.

(3) Local operating fee accounts shall not be subject to appropriation by the legislature ~~((~~☞~~))~~ but shall be subject to allotment procedures by budget program and fiscal year under chapter 43.88 RCW.

**Sec. 7.** RCW 43.88.150 and 2011 1st sp.s. c 50 s 948 are each amended to read as follows:

(1) For those agencies that make expenditures from both appropriated and nonappropriated funds for the same purpose, the governor shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. ~~((This subsection does not apply to))~~ For institutions of higher education, as defined in RCW 28B.10.016, ~~((except during the 2011-2013 fiscal biennium))~~ this subsection applies only to operating fee accounts.

(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only

to the extent that the matching funds or other contributions have been received and are available for expenditure.

(3) The office of financial management shall adopt guidelines for the implementation of this section. The guidelines may account for federal matching requirements or other requirements to spend other moneys in a particular manner."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 43.88.160, 41.06.157, 41.04.240, and 43.88.150; reenacting and amending RCW 28B.10.029 and 28B.15.031; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 2585 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer, Seaquist and Hasegawa spoke in favor of the passage of the bill.

Representatives Haler and Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2585, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2585, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Darneille, Dickerson, Dunshee, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Eddy.

THIRD SUBSTITUTE HOUSE BILL NO. 2585, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 7, 2012

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264 with the following amendment:

Strike everything after the enacting clause and insert the following:

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

(a) The state of Washington and several Indian tribes in the state of Washington assume legal responsibility for abused or neglected children when their parents or caregivers are unable or unwilling to adequately provide for their safety, health, and welfare;

(b) Washington state has a strong history of partnership between the department of social and health services and contracted service providers who currently serve children and families in the child welfare system. The department and its contracted service providers have responsibility for providing services to address parenting deficiencies resulting in child maltreatment, and the needs of children impacted by maltreatment;

(c) Department caseworkers and contracted service providers each play a critical and complementary role in the child welfare system;

(d) The current system of contracting for services needed by children and families in the child welfare system is fragmented, inflexible, and lacks incentives for improving outcomes for children and families.

(2) The legislature intends:

(a) To reform the delivery of certain services to children and families in the child welfare system by creating a flexible, accountable community-based system of care that utilizes performance-based contracting, maximizes the use of evidence-based, research-based, and promising practices, and expands the capacity of community-based agencies to leverage local funding and other resources to benefit children and families served by the department;

(b) To achieve improved child safety, child permanency, including reunification, and child well-being outcomes through the collaborative efforts of the department and contracted service providers and the prioritization of these goals in performance-based contracting; and

(c) To implement performance-based contracting under this act in a manner that supports and complies with the federal and Washington state Indian child welfare act.

**NEW SECTION. Sec. 2.** For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child-placing agency" has the same meaning as in RCW 74.15.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

(5) "Department" means the department of social and health services.

(6) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(7) "Network administrator" means an entity that contracts with the department to provide defined services to children and families in the child welfare system through its provider network, as provided in section 3 of this act.

(8) "Performance-based contracting" means structuring all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(9) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Provider network" means those service providers who contract with a network administrator to provide services to children and families in the geographic area served by the network administrator.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

**NEW SECTION. Sec. 3.** (1) No later than December 1, 2013, the department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) Beginning December 1, 2013, the department may not renew its current contracts with individuals or entities for the provision of the child welfare services included in performance-based contracts under this section for services in geographic areas served by network administrators under such contracts, except as mutually agreed upon between the department and the network administrator to allow for the successful transition of services that meet the needs of children and families.

(3) The department shall conduct a procurement process to enter into performance-based contracts with one or more network administrators for family support and related services. As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being. Expenditures for family support and related

services purchased under this section must remain within the levels appropriated in the operating budget.

(4)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; and

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract.

(b) While the department caseworker retains responsibility for case management, nothing in this act limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

(5) In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.

(6) The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

(7) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

(8) As part of the procurement process under this section, the department shall issue the request for proposals no later than



December 31, 2012. The department shall notify the apparently successful bidders no later than June 30, 2013.

(9) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(10) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

(11) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

**NEW SECTION. Sec. 4.** (1) For those services included in contracts under section 3 of this act, the service providers must be chosen by the department caseworker from among those in the network administrator's provider network. The criteria for provider selection must include the geographic proximity of the provider to the child or family, and the performance of the provider based upon data collected and provided by the network administrator. If a reasonably qualified provider is not available through the network administrator's provider network, at the request of a department caseworker, a provider who is not currently under contract with the network administrator may be offered a provisional contract by the network administrator, pending that provider demonstrating that he or she meets applicable provider qualifications to participate in the administrator's provider network.

(2) The department shall develop a dispute resolution process to be used when the network administrator disagrees with the department caseworker's choice of a service provider due to factors such as the service provider's performance history or ability to serve culturally diverse families. The mediator or decision maker must be a neutral employee of the department who has not been previously involved in the case. The dispute resolution process must not result in a delay of more than two business days in the receipt of needed services by the child or family.

(3) The department and network administrator shall collaborate to identify and respond to patterns or trends in service utilization that may indicate overutilization or underutilization of family support and related services, or may indicate a need to enhance service capacity.

**NEW SECTION. Sec. 5.** (1) On an annual basis, beginning in the 2015-2017 biennium, the department and contracted network administrators shall:

(a) Review and update the services offered through performance-based contracts in response to service outcome data for currently contracted services and any research that has identified new evidence-based or research-based services not included in a previous procurement; and

(b) Review service utilization and outcome data to determine whether changes are needed in procurement policies or performance-

based contracts to better meet the goals established in section 1 of this act.

(2) In conducting the review under subsection (1) of this section, the department must consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, representatives of child welfare service providers, and the Washington state institute for public policy.

**NEW SECTION. Sec. 6.** (1) To achieve the service delivery improvements and efficiencies intended in sections 1, 3, 4, and 7 of this act and in RCW 74.13.370, and pursuant to RCW 41.06.142(3), contracting with network administrators to provide services needed by children and families in the child welfare system, pursuant to sections 3 and 4 of this act, and execution and monitoring of individual provider contracts, pursuant to section 3 of this act, are expressly mandated by the legislature and are not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

(2) The express mandate in subsection (1) of this section is limited to those services and activities provided in sections 3 and 4 of this act. If the department includes services customarily and historically performed by department employees in the classified service in a procurement for network administrators that exceeds the scope of services or activities provided in sections 3 and 4 of this act, such contracting is not specifically mandated and will be subject to all applicable contractual and legal obligations.

**NEW SECTION. Sec. 7.** For the purposes of the provision of child welfare services by provider networks, when all other elements of the responses to any procurement under section 3 of this act are equal, private nonprofit entities and federally recognized Indian tribes located in this state must receive primary preference over private for-profit entities.

**Sec. 8.** RCW 74.13.360 and 2010 c 291 s 4 are each amended to read as follows:

(1) ~~((No later than July 1, 2011, the department shall convert its current contracts with providers of child welfare services into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase child welfare services from providers. The conversion of contracts for the provision of child welfare services to performance-based contracts must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services. —(2)))~~ No later than December 30, ~~((2012))~~ 2015:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection ~~((4))~~ (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

~~((3))~~ (2) No later than December 30, ~~((2012))~~ 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

~~((4))~~ (3) No later than December 30, ~~((2012))~~ 2015, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

~~((5))~~ (4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

~~((6))~~ (5) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

**Sec. 9.** RCW 74.13.370 and 2009 c 520 s 9 are each amended to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, ~~((2015))~~ 2018.

(2) No later than ~~((June 30, 2011))~~ December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in ~~((RCW 74.13.360(1)))~~ sections 3 and 4 of this act. No later than June 30, ~~((2012))~~ 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the ~~((department's conversion of its contracts to performance based contracts))~~ extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

(3) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(4) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

**Sec. 10.** RCW 74.13.368 and 2010 c 291 s 2 are each amended to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of May 18, 2009, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent;

(xv) A youth currently in or a recent alumnus of the Washington state foster care system, to be designated by the cochair of the committee; and

(xvi) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and (xvi) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochair of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to RCW 74.13.360.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in RCW 74.13.360((~~5~~)) (4); and

(viii) Incentives to meet performance outcomes;

(b) ~~((A method by which the department will substantially reduce its current number of contracts for child welfare services; —(e))~~ A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

~~((d))~~ (c) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

~~((e))~~ (d) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

~~((f))~~ (e) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

~~((g))~~ (f) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

~~((h))~~ (g) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

~~((i))~~ (h) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

~~((j))~~ (i) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

~~((k))~~ (j) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

~~((l))~~ (k) A method by which to access and enhance existing data systems to include contract performance information;

~~((m))~~ (l) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

~~((n))~~ (m) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

~~((o))~~ (n) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

~~((p))~~ (o) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

~~((q))~~ (p) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement chapter 520, Laws of 2009. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement chapter 520, Laws of 2009 so that full implementation of chapter 520, Laws of 2009 is achieved no later than December 30, ~~((2012))~~ 2015.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until ~~((January 4))~~ December 30, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.

(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

(12) ~~((Staff support for the committee shall be provided jointly by partners for our children and legislative staff.~~

—(13)) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

((44)) (13) This section expires July 1, ((2015)) 2016.

**Sec. 11.** RCW 74.13.372 and 2009 c 520 s 10 are each amended to read as follows:

Not later than June 1, ((2015)) 2018, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand chapter 520, Laws of 2009 to the remainder of the state or terminate chapter 520, Laws of 2009. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts.

**Sec. 12.** RCW 74.13.020 and 2011 c 330 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means ~~((the management of services delivered to children and families in the child welfare system, including permanency services, caseworker child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family.))~~ convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised

independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

**NEW SECTION. Sec. 13.** Sections 1 through 7 of this act constitute a new chapter in Title 74 RCW."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 74.13.360, 74.13.370, 74.13.368, and 74.13.372; reenacting and amending RCW 74.13.020; adding a new chapter to Title 74 RCW; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Alexander and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2264, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2264, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Crouse, Kristiansen, Shea and Taylor.

Excused: Representative Eddy.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2264, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 6581, by Senate Committee on Ways & Means (originally sponsored by Senator Murray)**

**Eliminating accounts and funds.**

The bill was read the second time.

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

Representatives Hunter and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6581.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6581, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby,

Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representative Eddy.

SUBSTITUTE SENATE BILL NO. 6581, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6608, by Senators Harper, Pflug, Frockt, Kline and Eide****Changing judicial stabilization trust account surcharges.**

The bill was read the second time.

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

Representative Pedersen spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6608.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6608, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Probst, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Eddy.

ENGROSSED SENATE BILL NO. 6608, having received the necessary constitutional majority, was declared passed.

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. 2129  
SECOND SUBSTITUTE SENATE BILL NO. 6120

There being no objection, the Committee on Capital Budget was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6312  
ENGROSSED SENATE JOINT RESOLUTION NO. 8221  
HOUSE BILL NO. 2494

There being no objection, the Committee on Transportation was relieved of the following bill and the bill was placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6284

There being no objection, the Committee on Judiciary was relieved of the following bill and the bill was placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 6492

There being no objection, the Committee on Ways and Means was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5967  
HOUSE BILL NO. 2817  
HOUSE BILL NO. 2794  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5539  
SUBSTITUTE SENATE BILL NO. 6073

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., March 8, 2012, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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