

ONE HUNDRED FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, April 28, 2013

The Senate was called to order at 12:30 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Harper and Murray.

The Sergeant at Arms Color Guard consisting of Senate Interns Kylee Orr and Jacob Thorp, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 27, 2013

EHB 1287 Prime Sponsor, Representative Appleton: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Keiser; Nelson, Assistant Ranking Member; Ranker; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Hewitt; Padden and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 27, 2013

HB 1818 Prime Sponsor, Representative Smith: Promoting economic development through business and government streamlining projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 27, 2013

HB 2024 Prime Sponsor, Representative Pedersen: Concerning legal proceedings by the attorney general on behalf of state officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hewitt; Keiser; Murray; Nelson, Assistant Ranking Member; Padden; Ranker; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hatfield; Parlette and Rivers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2013

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2058,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

At 12:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:20 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5929 by Senator Kline

AN ACT Relating to funding improved impaired driving safety and enforcement; and amending RCW 82.08.160 and 46.68.260.

Referred to Committee on Ways & Means.

SB 5930 by Senator Kline

AN ACT Relating to funding and requiring the use of distributions from the additional tax on beer and strong beer for improving impaired driving safety and enforcement; and amending RCW 66.24.290 and 46.68.260.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1539 by Representatives Rodne, Springer, Hargrove, Sullivan, Magendanz, Takko, Kochmar, Pettigrew, Fitzgibbon and Ryu

AN ACT Relating to the annexation of unincorporated territory within a code city; and amending RCW 35A.14.295.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1539 which was referred to the Committee on Governmental Operations.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Lee Newgent, Gubernatorial Appointment No. 9151, be confirmed as a member of the Work Force Training and Education Coordinating Board.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

APPOINTMENT OF LEE NEWGENT

The President declared the question before the Senate to be the confirmation of Lee Newgent, Gubernatorial Appointment No. 9151, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Lee Newgent, Gubernatorial Appointment No. 9151, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Harper and Murray

Excused: Senator Carrell

Lee Newgent, Gubernatorial Appointment No. 9151, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Billig, Senators Harper and Murray were excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Anne Proffitt, Gubernatorial Appointment No. 9159, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF ANNE PROFFITT

The President declared the question before the Senate to be the confirmation of Anne Proffitt, Gubernatorial Appointment No. 9159, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Anne Proffitt, Gubernatorial Appointment No. 9159, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Harper and Murray

Anne Proffitt, Gubernatorial Appointment No. 9159, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5193,

SUBSTITUTE SENATE BILL NO. 5211,

ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5267,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

SUBSTITUTE SENATE BILL NO. 5456,
ENGROSSED SENATE BILL NO. 5484,
SENATE BILL NO. 5510,
SECOND SUBSTITUTE SENATE BILL NO. 5595,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5744.

MESSAGE FROM THE HOUSE

April 26, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 5236. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5236.E AMH GOOD CLYN 464, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. Since the United States Supreme Court recognized the First Amendment limitations on the common law tort of defamation and defamation-like torts, courts have struggled to achieve a balance between constitutionally protected guarantees of free expression and the need to protect citizens from reputational harm. Unlike personal injuries, harm to reputation can often be cured by means other than money damages. The correction or clarification of a published statement may restore a person's reputation more quickly and more thoroughly than a victorious lawsuit. The salutary effect of a correction or clarification is enhanced if it is published reasonably soon after a statement is made.

This act seeks to provide strong incentives for individuals to promptly correct or clarify an alleged false statement as an alternative to costly litigation. The options created by this act provide an opportunity for a plaintiff who believes he or she has been harmed by a false statement to secure quick and complete vindication of his or her reputation. This act provides publishers with a quick and cost-effective means of correcting or clarifying alleged mistakes and avoiding costly litigation.

NEW SECTION. Sec. 2. DEFINITION. The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

NEW SECTION. Sec. 3. SCOPE. (1) This chapter applies to any claim for relief, however characterized, for damages arising out of harm caused by the false content of a publication that is published on or after the effective date of this section.

(2) This chapter applies to all publications, including writings, broadcasts, oral communications, electronic transmissions, or other forms of transmitting information.

NEW SECTION. Sec. 4. REQUEST FOR CORRECTION OR CLARIFICATION. (1) A person may maintain an action for defamation or another claim covered by this chapter only if:

(a) The person has made a timely and adequate request for correction or clarification from the defendant; or

(b) The defendant has made a correction or clarification.

(2) A request for correction or clarification is timely if made within the period of limitation for commencement of an action for defamation.

(3) A request for correction or clarification is adequate if it:

(a) Is made in writing and reasonably identifies the person making the request;

2013 REGULAR SESSION

(b) Specifies with particularity the statement alleged to be false and defamatory or otherwise actionable and, to the extent known, the time and place of publication;

(c) Alleges the defamatory meaning of the statement;

(d) Specifies the circumstances giving rise to any defamatory meaning of the statement which arises from other than the express language of the publication; and

(e) States that the alleged defamatory meaning of the statement is false.

(4) In the absence of a previous adequate request, service of a summons and complaint stating a claim for defamation or another claim covered by this chapter and containing the information required in subsection (3) of this section constitutes an adequate request for correction or clarification.

(5) The period of limitation for commencement of a defamation action or another claim covered by this chapter is tolled during the period allowed in section 7(1) of this act for responding to a request for correction or clarification.

NEW SECTION. Sec. 5. DISCLOSURE OF EVIDENCE OF FALSITY. (1) A person who has been requested to make a correction or clarification may ask the requester to disclose reasonably available information material to the falsity of the allegedly defamatory or otherwise actionable statement.

(2) If a correction or clarification is not made, a person who unreasonably fails to disclose the information after a request to do so may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

NEW SECTION. Sec. 6. EFFECT OF CORRECTION OR CLARIFICATION. If a timely and sufficient correction or clarification is made, a person may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

NEW SECTION. Sec. 7. TIMELY AND SUFFICIENT CORRECTION OR CLARIFICATION. (1) A correction or clarification is timely if it is published before, or within thirty days after, receipt of a request for correction or clarification or of the information in section 5(1) of this act, whichever is later, unless the period is extended by written agreement of the parties.

(2) A correction or clarification is sufficient if it:

(a) Is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of;

(b) Refers to the statement being corrected or clarified and:

(i) Corrects the statement;

(ii) In the case of defamatory or false meaning arising from other than the express language of the publication, disclaims an intent to communicate that meaning or to assert its truth; or

(iii) In the case of a statement attributed to another person, identifies the person and disclaims an intent to assert the truth of the statement;

(c) In advance of the publication, is provided to the person who has made a request for correction or clarification; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory or otherwise actionable statement by the publisher.

(3) A correction or clarification is published in a medium reasonably likely to reach substantially the same audience as the publication complained of if it is published in a later issue, edition, or broadcast of the original publication.

(4) If a later issue, edition, or broadcast of the original publication will not be published within the time limits established for a timely correction or clarification, a correction or clarification is published in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if:

(a) It is timely published in a reasonably prominent manner:

(i) In another medium likely to reach an audience reasonably equivalent to the original publication; or

(ii) If the parties cannot agree on another medium, in the newspaper with the largest general circulation in the region in which the original publication was distributed;

(b) Reasonable steps are taken to correct undistributed copies of the original publication, if any; and

(c) It is published in the next practicable issue, edition, or broadcast, if any, of the original publication.

(5) A correction or clarification is timely and sufficient if the parties agree in writing that it is timely and sufficient.

NEW SECTION. Sec. 8. CHALLENGES TO CORRECTION OR CLARIFICATION OR TO REQUEST FOR CORRECTION OR CLARIFICATION. (1) If a defendant in an action governed by this chapter intends to rely on a timely and sufficient correction or clarification, the defendant's intention to do so, and the correction or clarification relied upon, must be set forth in a notice served on the plaintiff within sixty days after service of the summons and complaint or ten days after the correction or clarification is made, whichever is later.

(2) If a defendant in an action governed by this chapter intends to challenge the adequacy or timeliness of a request for correction or clarification, the defendant must set forth the challenge in a motion to declare the request inadequate or untimely served within sixty days after service of the summons and complaint. The court shall rule on the motion at the earliest appropriate time before trial.

NEW SECTION. Sec. 9. OFFER TO CORRECT OR CLARIFY. (1) If a timely correction or clarification is no longer possible, the publisher of an alleged defamatory or otherwise actionable statement may offer, at any time before trial, to make a correction or clarification. The offer must be made in writing to the person allegedly harmed by the publication and:

(a) Contain the publisher's offer to:

(i) Publish, at the person's request, a sufficient correction or clarification; and

(ii) Pay the person's reasonable expenses of litigation, including attorneys' fees, incurred before publication of the correction or clarification; and

(b) Be accompanied by a copy of the proposed correction or clarification and the plan for its publication.

(2) If the person accepts in writing an offer to correct or clarify made pursuant to subsection (1) of this section:

(a) The person is barred from commencing an action against the publisher based on the statement; or

(b) If an action has been commenced, the court shall dismiss the action against the defendant with prejudice after the defendant complies with the terms of the offer.

(3) A person who does not accept an offer made in conformance with subsection (1) of this section may not recover damages for injury to reputation or presumed damages in an action based on the statement; however, the person may recover all other damages permitted by law, together with reasonable expenses of litigation, including attorneys' fees, incurred before the offer, unless the person failed to make a good-faith attempt to request a correction or clarification in accordance with section 4 of this act or failed to disclose information in accordance with section 5 of this act.

(4) On request of either party, a court shall promptly determine the sufficiency of the offered correction or clarification.

NEW SECTION. Sec. 10. SCOPE OF PROTECTION. A timely and sufficient correction or clarification made by a person responsible for a publication constitutes a correction or clarification made by all persons responsible for that publication other than a republisher. However, a correction or clarification that is sufficient only because of the operation of section 7(2)(b)(iii) of this act does

not constitute a correction or clarification made by the person to whom the statement is attributed.

NEW SECTION. Sec. 11. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 12. SHORT TITLE. This chapter may be known and cited as the uniform correction or clarification of defamation act.

NEW SECTION. Sec. 13. 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. 14. Sections 2 through 12 of this act constitute a new chapter in Title 7 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5236.

Senators Padden and Kline spoke in favor of the motion.

POINT OF INQUIRY

Senator Benton: "Would Senator Padden yield to a question? The original legislation that the senate passed there was an amendment that we adopted that required the correction to be posted electronically and would accompany the original article electronically with the correction from that point forward. Did that remain in the bill?"

Senator Padden: "It's my understanding that it did remain in there but to be honest Senator Benton I would need to look at the bill itself and read it to give you a completely correct answer."

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5236.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5236 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5236, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5236, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Holmquist Newbry, Honeyford and Smith

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

Excused: Senators Carrell and Murray

ENGROSSED SENATE BILL NO. 5236, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5705. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5705-S AMH CARL H2564.1, and passed the bill as amended by the House.

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. The legislature finds that it is difficult for many property owners to pay property taxes under the current system where past due property tax payments must be paid in full, including penalties and interest. The legislature further finds that providing counties and property owners some flexibility in structuring past due property tax payments may provide some relief for property owners with delinquent tax payments.

Sec. 3. RCW 84.56.020 and 2010 c 200 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the thirty-first day of October following and is delinquent after that date.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition,

delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (11)(b) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those costs that can be identified specifically with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted and identified specifically to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended specifically for the purpose of administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, the tax foreclosure avoidance costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

(7) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict on delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((7))~~ (8) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((8))~~ (9) For purposes of this chapter, "interest" means both interest and penalties.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

~~((10))~~ (11)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic bill presentment and payment. Electronic bill presentment and payment may be utilized as an option by the taxpayer, but the treasurer may not require the use of electronic bill presentment and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for

~~((prepayments))~~ delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer must provide, by electronic means or otherwise, a payment agreement that ((may include prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic bill)) provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the thirty-first day of October following and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfer payments on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((+))~~ (12) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:

(a) "Electronic bill presentment and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

Sec. 4. RCW 84.56.070 and 2009 c 350 s 2 are each amended to read as follows:

(1) The county treasurer ~~((shall))~~ must proceed to collect all personal property taxes after first completing the tax roll for the current year's collection.

(2) The treasurer ~~((shall))~~ must give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer ~~((shall forthwith proceed to collect the same))~~ must commence delinquent collection efforts. A delinquent collection charge for costs incurred by the treasurer may be added to the account.

(3) In the event that ~~((he or she))~~ the treasurer is unable to collect the ~~((same))~~ taxes when due under this section, the treasurer ~~((shall))~~ must prepare papers in distraint, which ~~((shall))~~ must contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner.

(a) The treasurer ~~((shall))~~ must without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and ~~((shall))~~ must proceed to advertise the same by posting written

notices in three public places in the county in which such property has been distrained, one of which places ~~((shall))~~ must be at the county courthouse, such notice to state the time when and place where such property will be sold.

(b) The county treasurer, or the treasurer's deputy, ~~((shall))~~ must tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint.

(c) If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which ~~((shall be))~~ may not be less than ten days after the taking of such property, such treasurer or treasurer's designee ~~((shall))~~ must proceed to sell such property at public auction, or so much thereof as ~~((shall be))~~ is sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer ~~((shall))~~ must pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative(~~(= PROVIDED, That whenever it shall become)~~).

(d) If necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net, or drag seine fishing location, or any other personal property as the treasurer ~~((shall))~~ determines to be incapable or reasonably impracticable of manual delivery, it ~~((shall be))~~ is deemed to have been distrained and taken into possession when the treasurer ~~((shall have))~~ has, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale(~~(=)~~). A copy of the notice ~~((shall))~~ must also be sent to the owner or reputed owner at his or her last known address, by registered letter at least thirty days prior to the date of sale(~~(= AND PROVIDED FURTHER, That)~~).

(e) If the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold, or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may ~~((forthwith))~~ distraint sufficient goods and chattels to pay the same."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

Senator Brown spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Thank you Mr. President. Has a copy of that proposal been distributed?"

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, are you looking for the description, a bill report or are you looking for the actual language of the amendment?"

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

PARLIAMENTARY INQUIRY

Senator Hasegawa: "The second, the amendment that was hung most recently in the House."

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, it has not been, just so the members know, it's not the tradition or whatever the practice is to provide the background but not the amendment. The amendment is available, you can pull it up. However, if you desire to have it, we will wait till you get it."

PARLIAMENTARY INQUIRY

Senator Hasegawa: "I would be ok in lieu of handing it out if I could get a little better description of what it does from the previous speaker."

Senator Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5705 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SUBSTITUTE SENATE BILL NO. 5705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5732. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5732-S2 AMH GREE H2522.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1)(a) Beginning May 1, 2014, the legislature shall convene a task force to examine reform of the adult behavioral health system, with voting members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint five members consisting of the secretary of the department of social and health services or the secretary's designee, the director of the health care authority or the director's designee, the director of the office of financial management or the director's designee, the secretary of the department of corrections or the secretary's designee, and a representative of the governor.

(iv) The governor shall request participation by a representative of tribal governments.

(b) The task force shall choose two cochairs from among its legislative members.

(c) The task force shall adopt a bottom-up approach and welcome input and participation from all stakeholders interested in the improvement of the adult behavioral health system. To that end, the task force must invite participation from, at a minimum, the following: Behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers; housing providers; labor representatives; counties with state hospitals; mental health advocates; public defenders with involuntary mental health commitment or mental health court experience; medicaid managed care plan representatives; long-term care service providers; the Washington state hospital association; and individuals with expertise in evidence-based and research-based behavioral health service practices. Leadership of subcommittees formed by the task force may be drawn from this body of invited participants.

(2) The task force shall undertake a systemwide review of the adult behavioral health system and make recommendations for reform concerning, but not limited to, the following:

(a) The means by which services are delivered for adults with mental illness and chemical dependency disorders;

(b) Availability of effective means to promote recovery and prevent harm associated with mental illness;

(c) Crisis services, including boarding of mental health patients outside of regularly certified treatment beds;

(d) Best practices for cross-system collaboration between behavioral health treatment providers, medical care providers, long-term care service providers, entities providing health home services to high-risk medicaid clients, law enforcement, and criminal justice agencies; and

(e) Public safety practices involving persons with mental illness with forensic involvement.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee

and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by January 1, 2015.

(7) This section expires June 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The systems responsible for financing, administration, and delivery of publicly funded mental health and chemical dependency services to adults must be designed and administered to achieve improved outcomes for adult clients served by those systems through increased use and development of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025. For purposes of this section, client outcomes include: Improved health status; increased participation in employment and education; reduced involvement with the criminal justice system; enhanced safety and access to treatment for forensic patients; reduction in avoidable utilization of and costs associated with hospital, emergency room, and crisis services; increased housing stability; improved quality of life, including measures of recovery and resilience; and decreased population level disparities in access to treatment and treatment outcomes.

(2) The department and the health care authority must implement a strategy for the improvement of the adult behavioral health system.

(a) The department must establish a steering committee that includes at least the following members: Behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers, including at least one chemical dependency provider and at least one psychiatric advanced registered nurse practitioner; housing providers; medicaid managed care plan representatives; long-term care service providers; organizations representing health care professionals providing services in mental health settings; the Washington state hospital association; the Washington state medical association; individuals with expertise in evidence-based and research-based behavioral health service practices; and the health care authority.

(b) The adult behavioral health system improvement strategy must include:

(i) An assessment of the capacity of the current publicly funded behavioral health services system to provide evidence-based, research-based, and promising practices;

(ii) Identification, development, and increased use of evidence-based, research-based, and promising practices;

(iii) Design and implementation of a transparent quality management system, including analysis of current system capacity to implement outcomes reporting and development of baseline and improvement targets for each outcome measure provided in this section;

(iv) Identification and phased implementation of service delivery, financing, or other strategies that will promote improvement of the behavioral health system as described in this section and incentivize the medical care, behavioral health, and long-term care service delivery systems to achieve the improvements described in this section and collaborate across systems. The strategies must include phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance and levels of improvement between geographic regions of Washington; and

(v) Identification of effective methods for promoting workforce capacity, efficiency, stability, diversity, and safety.

(c) The department must seek private foundation and federal grant funding to support the adult behavioral health system improvement strategy.

(d) By May 15, 2014, the Washington state institute for public policy, in consultation with the department, the University of Washington evidence-based practice institute, the University of Washington alcohol and drug abuse institute, and the Washington institute for mental health research and training, shall prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services pursuant to subsection (1) of this section. The department shall use the inventory in preparing the behavioral health improvement strategy. The department shall provide the institute with data necessary to complete the inventory.

(e) By August 1, 2014, the department must report to the governor and the relevant fiscal and policy committees of the legislature on the status of implementation of the behavioral health improvement strategy, including strategies developed or implemented to date, timelines, and costs to accomplish phased implementation of the adult behavioral health system improvement strategy.

(3) The department must contract for the services of an independent consultant to review the provision of forensic mental health services in Washington state and provide recommendations as to whether and how the state's forensic mental health system should be modified to provide an appropriate treatment environment for individuals with mental disorders who have been charged with a crime while enhancing the safety and security of the public and other patients and staff at forensic treatment facilities. By August 1, 2014, the department must submit a report regarding the recommendations of the independent consultant to the governor and the relevant fiscal and policy committees of the legislature.

NEW SECTION. Sec. 3. A new section is added to chapter 70.97 RCW to read as follows:

To the extent that funds are specifically appropriated for this purpose, the department must issue a request for a proposal for enhanced services facility services by June 1, 2014, and complete the procurement process by January 1, 2015.

NEW SECTION. Sec. 4. A new section is added to chapter 71.05 RCW to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the regional support network responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within twenty-one days of the determination.

Sec. 5. RCW 71.24.025 and 2012 c 10 s 59 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a ~~(practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice)~~

2013 REGULAR SESSION

program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.

(14) "Evidence-based" means a program or practice that has ((had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population)) been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by regional support networks and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "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))~~ been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the regional support network to be at

risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 6. RCW 18.19.210 and 2008 c 135 s 9 are each amended to read as follows:

(1)(a) An applicant for registration as an agency affiliated counselor who applies to the department within seven days of employment by an agency may work as an agency affiliated counselor for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(b) The applicant may not provide unsupervised counseling prior to completion of a criminal background check performed by either the employer or the secretary. For purposes of this subsection, "unsupervised" means the supervisor is not physically present at the location where the counseling occurs.

(2) Agency affiliated counselors shall notify the department if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both. Agency affiliated counselors may not engage in the practice of counseling unless they are currently affiliated with an agency.

NEW SECTION. Sec. 7. A new section is added to chapter 43.20A RCW to read as follows:

(1) By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependency services. The plan must:

(a) Include implementation dates, major milestones, and fiscal estimates as needed;

(b) Emphasize the use of culturally appropriate evidence-based and promising practices;

(c) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(d) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

a unique thought, read the bills that they're voting on? That's my question."

(e) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes.

REPLY BY THE PRESIDENT

(2) The department shall enter into agreements with the tribes and urban Indian health programs and modify regional support network contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

President Owen: "Senator Padden, Rule 28 is not directly on point, however I understand the question that you're asking. All these amendments are available electronically. The President believes, though, that if a member should request, any member may request that it be printed out and we will print it out for you but the President does not believe, because that the practice for the last number of years, that it is necessary for us to hand each of those amendments out unless specifically requested. Senator Padden."

NEW SECTION. Sec. 8. Section 4 of this act takes effect July 1, 2018."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

REMARKS BY SENATOR PADDEN

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5732.

Senator Padden: "Thank you very much Mr. President. I will make my request in the future. Thank you."

Senators Pearson and Darneille spoke in favor of the motion.

MESSAGE FROM THE HOUSE

April 26, 2013

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5732.

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5072 with the following amendment(s): 5072-S AMH FIN H2354.1

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5732 by voice vote.

Strike everything after the enacting clause and insert the following:

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5732, as amended by the House.

"NEW SECTION. Sec. 1. (1) The legislature finds that it is important to recognize the service of active duty military and veterans and to acknowledge the continued sacrifice of those veterans who have been catastrophically injured. The legislature further finds that many disabled veterans often need customized, accessible transportation to be self-sufficient and to maintain a high quality of life. The legislature further finds that individuals with a severe disability are three times more likely to be at or below the national poverty level. The legislature further finds that the federal government pays for the cost of mobility adaptive equipment for severely injured veterans; however, it does not cover the cost of sales or use tax owed on this equipment. The legislature further finds that this cost is then shifted onto the veterans, who often times cannot afford the tax due to the substantial amount of adaptive equipment required in such customized vehicles. The legislature further finds that this added financial burden has the unintended effect of causing some veterans to acquire their mobility adaptive equipment in neighboring states that do not impose a sales tax, thereby negatively impacting Washington businesses providing mobility enhancing equipment and services to Washington veterans.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Murray

SECOND SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(2) It is the legislature's intent to provide specific financial relief for severely injured veterans and to ameliorate a negative consequence of Washington's tax structure by providing a sales and use tax exemption for mobility adaptive equipment required to customize vehicles for disabled veterans. It is the further intent of the legislature to reexamine this exemption in five years to determine whether it has mitigated the competitive disadvantage stemming from Washington's tax structure on mobility businesses and to assess whether the cost of the exemption in terms of forgone state revenue is beyond what was reasonably assumed in the fiscal estimate for the legislation.

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, under Rule 28 any Senator shall have the right to compare an enrolled bill with an engrossed bill and may note any objections in the journal. By analogy, I have been trying to physically get copies of the bills that are on concurrence and in dispute and I'm told they are available electronically but are not available in print. I was trying to do that to respond to a question earlier from the good gentleman from the Seventeenth District regarding a provision in Senate Bill No. 5236. I guess my point is whether or not by analogy those should be available to members so they can actually read the bills, this is

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales to eligible purchasers of prescribed add-on automotive adaptive equipment, including charges incurred for labor and services rendered in respect to the installation and repairing of such

equipment. The exemption provided in this section only applies if the eligible purchaser is reimbursed in whole or part for the purchase by the United States department of veterans affairs or other federal agency, and the reimbursement is paid directly by that federal agency to the seller.

(2) Sellers making tax-exempt sales under this section must:

(a) Obtain an exemption certificate from the eligible purchaser in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement;

(b) File their tax return with the department electronically; and

(c) Report their total gross sales on their return and deduct the exempt sales under subsection (1) of this section from their reported gross sales.

(3) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Add-on automotive adaptive equipment" means equipment installed in, and modifications made to, a motor vehicle that are necessary to assist physically challenged persons to enter, exit, or safely operate a motor vehicle. The term includes but is not limited to wheelchair lifts, wheelchair restraints, ramps, under vehicle lifts, power door openers, power seats, lowered floors, raised roofs, raised doors, hand controls, left foot gas pedals, chest and shoulder harnesses, parking brake extensions, dual battery systems, steering devices, reduced and zero effort steering and braking, voice-activated controls, and digital driving systems. The term does not include motor vehicles and equipment installed in a motor vehicle by the manufacturer of the motor vehicle.

(b) "Eligible purchaser" means a veteran, or member of the armed forces serving on active duty, who is disabled, regardless of whether the disability is service connected as that term is defined by federal statute 38 U.S.C. Sec. 101, as amended, as of August 1, 2013.

(c) "Prescribed add-on automotive adaptive equipment" means add-on automotive adaptive equipment prescribed by a physician.

(4) This section expires July 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of prescribed add-on automotive adaptive equipment or to labor and services rendered in respect to the installation and repairing of such equipment. The exemption under this section only applies if the sale of the prescribed add-on automotive adaptive equipment or labor and services was exempt from sales tax under section 1 of this act or would have been exempt from sales tax under section 1 of this act if the equipment or labor and services had been purchased in this state.

(2) For purposes of this section, "prescribed add-on automotive adaptive equipment" has the same meaning as provided in section 1 of this act.

(3) This section expires July 1, 2018.

NEW SECTION. Sec. 4. This act takes effect August 1, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072.

Senators Hill, Conway, Brown and Hobbs spoke in favor of the motion.

Senators Bailey and Roach spoke on the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5072.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5072 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5607 and asks the Senate to recede therefrom.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5607.

Senators Holmquist Newbry, Harper and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5607.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5607 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5607, as amended by the House.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5607, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Brown, Dammeier, Darneille, Hargrove, Holmquist Newbry, Honeyford, Pearson and Roach

Excused: Senators Carrell and Kline

ENGROSSED SENATE BILL NO. 5607, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ranker, Senator Eide was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5910, by Senators Hill, Murray, Nelson, Baumgartner and Hargrove

Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Darneille spoke in favor of passage of the bill.

MOTION

On motion of Senator Schlicher, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1818, by Representatives Smith, Maxwell, Magendanz, Morris, Hargrove, Sells, Angel, Ryu, Hayes, Zeiger, Vick, O'Ban, Morrell, Bergquist, Stonier and Fey

Promoting economic development through business and government streamlining projects.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 1818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1818.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1818 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

HOUSE BILL NO. 1818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1982, by House Committee on Appropriations (originally sponsored by Representative Hunter)

Eliminating lottery games that generate insufficient net revenue.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1982 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senators Hill, Conway and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1982.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1982 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Roach, Rolfes and Schlicher

Excused: Senators Carrell and Kline

SUBSTITUTE HOUSE BILL NO. 1982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2058 by Representatives Hawkins, Riccelli and Bergquist

AN ACT Relating to transparency in enacted state capital and transportation budget appropriations and expenditures; amending RCW 44.48.150; and creating a new section.

MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 2058 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2058, by Representatives Hawkins, Riccelli and Bergquist

Requiring transparency in enacted state capital and transportation budget appropriations and expenditures.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 3, after line 9, insert the following:

(7) The web site must also allow legislators to offer an explanatory statement regarding the transportation and capital budget appropriations in their districts not to exceed five hundred words. The statement must be in compliance with laws restricting use of public resources for campaign purposes.

(8) The web site must also display estimated general fund and transportation revenues received from each legislative district and expenditures from those revenues within each legislative district.

Senator Hasegawa spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senator Hasegawa on page 3, line 9 to House Bill No. 2058 was withdrawn.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Chase, Darneille, Fraser, Frockt, Hargrove, Hatfield, Kline, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

Excused: Senator Carrell

HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that James Wigfall, Gubernatorial Appointment No. 9196, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Frockt, Senator Schlicher was excused.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

APPOINTMENT OF JAMES WIGFALL

The President declared the question before the Senate to be the confirmation of James Wigfall, Gubernatorial Appointment No. 9196, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of James Wigfall, Gubernatorial Appointment No. 9196, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Schlicher

James Wigfall, Gubernatorial Appointment No. 9196, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Vicki Wilson, Gubernatorial Appointment No. 9197, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF VICKI WILSON

The President declared the question before the Senate to be the confirmation of Vicki Wilson, Gubernatorial Appointment No. 9197, as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Vicki Wilson, Gubernatorial Appointment No. 9197, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Vicki Wilson, Gubernatorial Appointment No. 9197, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

MOTION

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5193,

SUBSTITUTE SENATE BILL NO. 5211,
SECOND SUBSTITUTE SENATE BILL NO. 5213,

ENGROSSED SENATE BILL NO. 5221,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5267,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405,

SUBSTITUTE SENATE BILL NO. 5456,

ENGROSSED SENATE BILL NO. 5484,

SENATE BILL NO. 5510,

SECOND SUBSTITUTE SENATE BILL NO. 5595,

ENGROSSED SENATE BILL NO. 5666,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5744,

SENATE BILL NO. 5797,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1183,

HOUSE BILL NO. 1471,

ENGROSSED HOUSE BILL NO. 2056,

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1183,

HOUSE BILL NO. 1471,

ENGROSSED HOUSE BILL NO. 2056,

HOUSE CONCURRENT RESOLUTION NO. 4405,

HOUSE CONCURRENT RESOLUTION NO. 4406.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Benton moved that Steven Moss, Gubernatorial Appointment No. 9146, be confirmed as a member of the Housing Finance Commission.

Senators Benton and Hewitt spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senators Darneille and Keiser were excused.

APPOINTMENT OF STEVEN MOSS

The President declared the question before the Senate to be the confirmation of Steven Moss, Gubernatorial Appointment No. 9146, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Steven Moss, Gubernatorial Appointment No. 9146, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Steven Moss, Gubernatorial Appointment No. 9146, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Faouzi Sefrioui, Gubernatorial Appointment No. 9172, be confirmed as a member of the Housing Finance Commission.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF FAOUZI SEFRIOUI

The President declared the question before the Senate to be the confirmation of Faouzi Sefrioui, Gubernatorial Appointment No. 9172, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Faouzi Sefrioui, Gubernatorial Appointment No. 9172, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Faouzi Sefrioui, Gubernatorial Appointment No. 9172, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Benton moved that Gabe Spencer, Gubernatorial Appointment No. 9179, be confirmed as a member of the Housing Finance Commission.

Senator Benton spoke in favor of the motion.

APPOINTMENT OF GABE SPENCER

The President declared the question before the Senate to be the confirmation of Gabe Spencer, Gubernatorial Appointment No. 9179, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gabe Spencer, Gubernatorial Appointment No. 9179, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille and Keiser

Gabe Spencer, Gubernatorial Appointment No. 9179, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that Pamela Tietz, Gubernatorial Appointment No. 9188, be confirmed as a member of the Housing Finance Commission.

Senator Mullet spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

APPOINTMENT OF PAMELA TIETZ

The President declared the question before the Senate to be the confirmation of Pamela Tietz, Gubernatorial Appointment No. 9188, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Pamela Tietz, Gubernatorial Appointment No. 9188, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Darneille, Keiser and Kline

Pamela Tietz, Gubernatorial Appointment No. 9188, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Steven Drury, Gubernatorial Appointment No. 9094, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

APPOINTMENT OF STEVEN DRURY

The President declared the question before the Senate to be the confirmation of Steven Drury, Gubernatorial Appointment No. 9094, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Steven Drury, Gubernatorial Appointment No. 9094, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Kline and Nelson

Steven Drury, Gubernatorial Appointment No. 9094, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Lester Herndon, Gubernatorial Appointment No. 9112, be confirmed as a member of the Professional Educator Standards Board.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF LESTER HERNDON

The President declared the question before the Senate to be the confirmation of Lester Herndon, Gubernatorial Appointment No. 9112, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Lester Herndon, Gubernatorial Appointment No. 9112, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

Lester Herndon, Gubernatorial Appointment No. 9112, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Smith moved that Timothy Rasmussen, Gubernatorial Appointment No. 9162, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Smith spoke in favor of the motion.

APPOINTMENT OF TIMOTHY RASMUSSEN

The President declared the question before the Senate to be the confirmation of Timothy Rasmussen, Gubernatorial Appointment No. 9162, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Timothy Rasmussen, Gubernatorial Appointment No. 9162, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Kline

Timothy Rasmussen, Gubernatorial Appointment No. 9162, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5024 with the following amendment(s): 5024-S.E AMH ENGR H2493.E

Strike everything after the enacting clause and insert the following:

"2013-2015 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2015.

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

(a) "Fiscal year 2014" or "FY 2014" means the fiscal year ending June 30, 2014.

(b) "Fiscal year 2015" or "FY 2015" means the fiscal year ending June 30, 2015.

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

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

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

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

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

2013-2015 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

Motor Vehicle Account--State Appropriation\$435,000

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.

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation\$504,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account--State Appropriation\$1,641,000

Puget Sound Ferry Operations Account--State

Appropriation\$176,000

TOTAL APPROPRIATION\$1,817,000

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

(1) \$932,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to identify, analyze, evaluate, and implement county transportation performance measures associated

with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Identify, analyze, and report on county transportation system preservation; identify, evaluate, and report on opportunities to streamline reporting requirements for counties; and evaluate project management tools to help improve project delivery at the county level.

(2) \$70,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the state's share of the marine salary survey.

NEW SECTION. **Sec. 104. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

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

NEW SECTION. **Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation\$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. **Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account--State Appropriation\$1,208,000

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) \$857,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. **Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account--State Appropriation\$529,000

NEW SECTION. **Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Motor Vehicle Account--State Appropriation\$493,000

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

(1) \$243,000 of the motor vehicle account--state appropriation is for the joint legislative audit and review committee to conduct a review of the methods and systems used by the department of transportation to develop asset condition and maintenance service level needs and subsequent funding requests for highway preservation and maintenance programs, to include tolled facilities. The review will examine whether the methods and systems used by the department of transportation for estimating preservation and maintenance needs and costs are consistent with industry practices and other appropriate standards. The review will include analysis of a selection of preservation and maintenance requests and address issues such as:

(a) Was a systematic, documented process used to develop the estimate of need?

(b) Are practices in place to minimize life-cycle preservation and maintenance costs?

(c) Was each stage in the cost estimating process fully documented?

(d) If appropriate, how were risks to the cost estimate quantified?

(e) What steps are in place to ensure that requests are not unduly impacted by outside pressures?

Expert engineering or cost estimating consultants may be used to review methods, systems, and individual estimates for accuracy. A briefing report, focusing on an overview of the methods and processes, must be completed by December 2013. A report

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

containing any findings and recommendations must be completed by December 2014.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for the joint legislative audit and review committee to conduct a forensic audit of the Interstate 5/Columbia River Crossing project (400506A) to investigate possible misuse of public funds. The joint legislative audit and review committee may contract with the state auditor's office for fraud-related investigation services, if necessary.

(3)(a) The joint legislative audit and review committee shall conduct a study of registration and inspection fee programs regulating gas stations and other businesses that emit gasoline vapors administered by the department of ecology and air pollution control authorities (collectively referred to as "regulatory agencies") as provided in chapter 70.94 RCW. The goal of the study is to provide recommendations to the legislature that, if implemented, would further effective implementation of chapter 70.94 RCW by the regulatory agencies and would result in more consistent and transparent registration fees and regulations across all regulatory agencies included in the study.

(b) The study must include, but not be limited to:

(i) Comparing and contrasting registration and inspection fees and methodologies used in calculating fees among all regulatory agencies as provided in RCW 70.94.151;

(ii) Comparing and contrasting inspection processes and criteria among all regulatory agencies, including frequency of registration and inspection of facilities; and

(iii) Comparing and contrasting inspection processes and criteria utilized by the state's regulatory agencies with criteria established by the United States environmental protection agency regulating gas stations and other businesses that emit gasoline vapors. This should include, but not be limited to, federal stage II vapor recovery requirements and federal ozone standards and nonattainment.

(c) In conducting the study, the joint legislative audit and review committee shall develop a stakeholder list, including representatives from each regulatory agency, from the Washington oil marketers association, and from other industry associations or groups. The committee shall meet with stakeholders as it deems necessary, but shall convene at least one meeting of all stakeholders within two months of commencing the study. The committee shall submit its findings and recommendations to the legislature by December 31, 2014.

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Motor Vehicle Account--State Appropriation\$295,000

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

(1) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) and is provided solely for the department to inventory, prioritize, and study fish passage barriers associated with city roads and streets in the Puget Sound region. The department shall submit the results to the department of transportation and to organizations representing cities by June 30, 2015.

(2) \$95,000 of the motor vehicle account--state appropriation is from the counties statewide fuel tax distribution under RCW 46.68.120(3) and is provided solely for the department of transportation to contract with the department to inventory, assess, and prioritize fish passage barriers associated with county roads. The department shall submit the results to the department of transportation, the office of financial management, and the transportation committees of the legislature by June 30, 2015.

TRANSPORTATION AGENCIES—OPERATING

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

Highway Safety Account--State Appropriation..... \$3,017,000
Highway Safety Account--Federal Appropriation..... \$40,699,000
Highway Safety Account--Private/Local Appropriation\$50,000
School Zone Safety Account--State Appropriation
.....\$1,800,000
TOTAL APPROPRIATION\$45,566,000

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

(1) The commission shall develop and implement, in collaboration with the Washington state patrol, a target zero team pilot program in Yakima and Spokane counties. The pilot program must demonstrate the effectiveness of intense, high visibility driving under the influence enforcement in Washington state. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program.

(2) \$20,000,000 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 2013-2015 fiscal biennium.

(3) Of the amounts provided in this section, any amounts that are granted by the commission for the traffic safety resource prosecutor program must be directed to the Washington association of prosecuting attorneys.

(4) The commission may continue to 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) By January 1, 2015, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

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

Rural Arterial Trust Account--State Appropriation\$945,000
Motor Vehicle Account--State Appropriation\$2,186,000
County Arterial Preservation Account--State

Appropriation\$1,456,000
TOTAL APPROPRIATION.....\$4,587,000

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

Transportation Improvement Account--State
Appropriation\$3,804,000

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

Motor Vehicle Account--State Appropriation \$1,330,000

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

(1)(a) \$325,000 of the motor vehicle account--state appropriation is for a study of transportation cost drivers and potential efficiencies to contain project costs and gain more value from investments in Washington state's transportation system. The goal is to enable the department of transportation to construct bridge and highway projects more quickly and to build and operate them at a lower cost, while ensuring that appropriate environmental and regulatory protections are maintained and a quality project is

delivered. The joint transportation committee must convene an advisory panel to provide study guidance and discuss potential efficiencies and recommendations. The scope of the study must be limited to state-level policies and practices relating to the planning, design, permitting, construction, financing, and operation of department of transportation roadway and bridge projects. The study must:

- (i) Identify best practices;
- (ii) Identify inefficiencies in state policy or agency practice where changes may save money;
- (iii) Recommend changes to improve efficiency and save money; and
- (iv) Identify potential savings to be achieved by adopting changes in practice or policy.

(b) The joint transportation committee shall issue a report of its findings to the house of representatives and senate transportation committees by December 31, 2013.

(2) The joint transportation committee shall coordinate a work group comprised of the department of licensing, the department of revenue, county auditors or other agents, and subagents to identify possible issues relating to the administration of, compliance with, and enforcement of the existing statutory requirement for a person to provide an unexpired driver's license when registering a vehicle. The work group shall provide recommendations on how administration and enforcement may be modified, as needed, to address any identified issues, including whether statutory changes may be needed. A report presenting the recommendations must be presented to the house of representatives and senate transportation committees by December 31, 2013.

(3) The joint transportation committee shall continue to convene a subcommittee for legislative oversight of the I-5/Columbia river crossing bridge replacement project. The Columbia river crossing legislative oversight subcommittee must be made up of six members: Two appointed by the cochairs 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.

(4) The joint transportation committee shall convene a work group to identify and evaluate internal refinance opportunities for the Tacoma Narrows bridge. The study must include a staff work group, including staff from the office of financial management, the transportation commission, the department of transportation, the office of the state treasurer, and the legislative transportation committees. The joint transportation committee shall issue a report of its findings to the house of representatives and the senate transportation committees by December 31, 2013.

(5) The joint transportation committee shall study and review the use of surplus property proceeds to fund facility replacement projects, and the possibility of using the north central region as a pilot. The joint transportation committee shall consult with the department of transportation and the office of financial management regarding the department's current process for prioritizing and funding facility improvement and replacement projects.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$2,947,000
Multimodal Transportation Account--State	
Appropriation	\$112,000
TOTAL APPROPRIATION	\$3,059,000

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 2013-2015 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 2013-2015 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.

(3)(a) \$400,000 of the motor vehicle account--state appropriation is provided solely for the development of the business case for the transition to a road usage charge system as the basis for funding the state transportation system, from the current motor fuel tax system. The funds are provided for fiscal year 2014 only.

(b) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012, augmented with participation by the joint transportation committee. The legislature further intends that the department of transportation continue to address administrative, technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the commission's efforts.

(c) For the purposes of this subsection (3), the commission shall:

(i) Develop preliminary road usage charge policies that are necessary to develop the business case, as well as supporting research and data that will guide the potential application in Washington;

(ii) Develop the preferred operational concept or concepts that reflect the preliminary policies;

(iii) Evaluate the business case for the road usage charge system that would result from implementing the preliminary policies and preferred operational concept or concepts. The evaluation must assess likely financial outcomes if the system were to be implemented; and

(iv) Identify and document policy and other issues that are deemed important to further refine the preferred operational concept or concepts and to gain public acceptance. These identified issues should form the basis for continued work beyond this funding cycle.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(d) The commission shall convene a steering committee to guide the development of the business case. The membership must be the same as provided in chapter 86, Laws of 2012, except that the membership must also include the joint transportation committee executive members.

(e) The commission shall submit a report of the business case to the governor and the transportation committees of the legislature by December 15, 2013. The report must also include a proposed budget and work plan for fiscal year 2015. A progress report must be submitted to the governor and the joint transportation committee by November 1, 2013, including a presentation to the joint transportation committee.

(4) \$174,000 of the motor vehicle account--state appropriation is provided solely for the voice of Washington survey program. The funding must be utilized for continued program maintenance and two transportation surveys for the 2013-2015 fiscal biennium.

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

Motor Vehicle Account--State Appropriation\$904,000

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State	
Appropriation	\$370,354,000
State Patrol Highway Account--Federal	
Appropriation	\$11,137,000
State Patrol Highway Account--Private/Local	
Appropriation	\$3,591,000
Highway Safety Account--State Appropriation.....	\$19,429,000
Multimodal Transportation Account--State	
Appropriation	\$273,000
Ignition Interlock Device Revolving Account--State	
Appropriation	\$573,000
TOTAL APPROPRIATION.....	\$405,357,000

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

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

(2) During the 2013-2015 fiscal biennium, the Washington state patrol shall relocate its data center to the state data center in Olympia. The Washington state patrol shall work with the department of enterprise services to negotiate the lease termination agreement for the current data center site.

(3) 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.

(4) \$573,000 of the ignition interlock device revolving account--state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(5) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(6) 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 department of transportation for contract costs. The appropriation in this subsection must be funded from the

portion of the automated traffic safety camera infraction 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 roadway construction zones.

(6) The cost allocation for any costs incurred for the facilities at the Olympia, Washington airport used for the Washington state patrol aviation section must be split evenly between the state patrol highway account and the general fund.

(7) The Washington state patrol shall work with the state interoperability executive committee to compile a list of recent studies evaluating the potential savings and benefits of consolidating law enforcement and emergency dispatching centers and report to the joint transportation committee by December 1, 2014, on the findings and recommendations of those studies. As part of this study, the Washington state patrol must look for potential efficiencies within state government.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State	
Appropriation	\$34,000
Motorcycle Safety Education Account--State	
Appropriation	\$4,409,000
State Wildlife Account--State Appropriation	\$885,000
Highway Safety Account--State Appropriation.....	\$156,679,000
Highway Safety Account--Federal Appropriation.....	\$4,392,000
Motor Vehicle Account--State Appropriation	\$76,819,000
Motor Vehicle Account--Federal Appropriation	\$467,000
Motor Vehicle Account--Private/Local Appropriation....	\$1,544,000
Ignition Interlock Device Revolving Account--State	
Appropriation	\$2,656,000
Department of Licensing Services Account--State	
Appropriation	\$5,959,000
TOTAL APPROPRIATION.....	\$253,844,000

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

(1) \$1,235,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1752), Laws of 2013 (requirements for the operation of commercial motor vehicles in compliance with federal regulations). If chapter . . . (Substitute House Bill No. 1752), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(2) \$1,000,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(3) \$201,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 (Sounders FC and Seahawks license plates). If chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(4) \$425,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5182), Laws of 2013 (vehicle owner information). If chapter . . . (Substitute Senate Bill No. 5182), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(5) \$172,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Senate Bill

No. 5775), Laws of 2013 (veterans/drivers' licenses). If chapter . . . (Senate Bill No. 5775), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(6) \$652,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5785), Laws of 2013 (license plates). If chapter . . . (Engrossed Substitute Senate Bill No. 5785), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(7) \$78,000 of the motor vehicle account--state appropriation and \$3,707,000 of the highway safety account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 (vehicle-related fees). If chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(8) The appropriation in this section reflects the department charging an amount sufficient to cover the full cost of providing the data requested under RCW 46.12.630(1)(b).

(9)(a) The department must convene a work group to examine the use of parking placards and special license plates for persons with disabilities and develop a strategic plan for ending any abuse. In developing this plan, the department must work with the department of health, disabled citizen advocacy groups, and representatives from local government.

(b) The work group must be composed of no more than two representatives from each of the entities listed in (a) of this subsection. The work group may, when appropriate, consult with any other public or private entity in order to complete the strategic plan.

(c) The strategic plan must include:

(i) Oversight measures to ensure that parking placards and special license plates for persons with disabilities are being properly issued, including: (A) The entity responsible for coordinating a randomized review of applications for special parking privileges; (B) a volunteer panel of medical professionals to conduct such reviews; (C) a means to protect the anonymity of both the medical professional conducting a review and the medical professional under review; (D) a means to protect the privacy of applicants by removing any personally identifiable information; and (E) possible sanctions against a medical professional for repeated improper issuances of parking placards or special license plates for persons with disabilities, including those sanctions listed in chapter 18.130 RCW; and

(ii) The creation of a publicly accessible system in which the validity of parking placards and special license plates for persons with disabilities may be verified. This system must not allow the public to access any personally identifiable information or protected health information of a person who has been issued a parking placard or special license plate.

(d) The work group must convene by July 1, 2013, and terminate by December 1, 2013.

(e) By December 1, 2013, the work group must deliver to the legislature and the appropriate legislative committees the strategic plan required under this subsection, together with its findings, recommendations, and any necessary draft legislation in order to implement the strategic plan.

(10) \$3,082,000 of the highway safety account--state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Operations Account--State	
Appropriation	\$1,851,000
Motor Vehicle Account--State Appropriation	\$509,000
State Route Number 520 Corridor Account--State	
Appropriation	\$32,419,000
State Route Number 520 Civil Penalties Account--State	
Appropriation	\$4,169,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$23,730,000
Puget Sound Ferry Operations Account--State	
Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$62,928,000

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

(1)(a) The legislature finds that the department's tolling division has expanded greatly in recent years to address the demands of administering several newly tolled facilities using emerging toll collection technologies. The legislature intends for the department to continue its good work in administering the tolled facilities of the state, while at the same time implementing controls and processes to ensure the efficient and judicious administration of toll payer dollars.

(b) The legislature finds that the department has undertaken a cost-of-service study in the winter and spring of 2013 for the purposes of identifying in detail the costs of operating and administering tolling on state route number 520, state route number 167 high-occupancy toll lanes, and the Tacoma Narrows bridge. The purpose of the study is to provide results to establish a baseline by which future activity may be compared and opportunities identified for cost savings and operational efficiencies. In addition, the legislature finds that the state auditor has undertaken a performance audit of the department's contract for the customer service center and back office processing of tolling transactions. The audit findings, which are expected to include lessons learned, are due in late spring 2013.

(c) Using the results of the cost-of-service study and the state audit as a basis, the department shall conduct a review of operations using lean management principles in order to eliminate inefficiencies and redundancies, incorporate lessons learned, and identify opportunities to conduct operations more efficiently and effectively. Within current statutory and budgetary tolling policy, the department shall use the results of the review to improve operations in order to conduct toll operations within the appropriations provided in subsections (2) through (4) of this section. The department shall submit the review, along with the status of and plans for the implementation of review recommendations, to the office of financial management and the house of representatives and senate transportation committees by October 15, 2013.

(2) \$10,482,000 of the Tacoma Narrows toll bridge account--state appropriation, \$17,056,000 of the state route number 520 corridor account--state appropriation, \$1,226,000 of the high-occupancy toll lanes operations account--state appropriation, and \$509,000 of the motor vehicle account--state appropriation are

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

provided solely for nonvendor costs of administering toll operations, including the costs of: Staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs.

(3) \$10,907,000 of the Tacoma Narrows toll bridge account--state appropriation, \$9,363,000 of the state route number 520 corridor account--state appropriation, and \$625,000 of the high-occupancy toll lanes operations account--state appropriation are provided solely for vendor-related costs of operating tolled facilities, including the costs of: The customer service center; cash collections on the Tacoma Narrows bridge; electronic payment processing; and toll collection equipment maintenance, renewal, and replacement.

(4) \$1,300,000 of the Tacoma Narrows toll bridge account--state appropriation and \$6,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(5) \$4,169,000 of the state route number 520 civil penalties account--state appropriation and \$1,039,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. 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.

(6) The Tacoma Narrows toll bridge account--state appropriation in this section reflects reductions in management costs of \$1,235,000.

(7) 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.

(8) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the use of consultants in the tolling program. The reports must include the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consulting contracts.

(9)(a) \$250,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the development of a plan to integrate and transition customer service, reservation, and payment systems currently provided by the marine division to ferry users into the statewide tolling customer service center.

(b)(i) The department shall develop a plan that addresses:

(A) A phased implementation approach, beginning with "Good To Go" as a payment option for ferry users;

(B) The feasibility, schedule, and cost of creating a single account-based system for toll road and ferry users;

(C) Transitioning customer service currently provided by the marine division to the statewide tolling customer service center; and

(D) Transitioning existing and planned ferry reservation system support from the marine division to the statewide tolling customer service center.

(ii) The plan must be provided to the office of financial management and the transportation committees of the legislature by January 14, 2014.

(10) \$120,000 of the state route number 520 corridor account--state appropriation and \$120,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely to the department to enter into an interagency agreement with the office of financial management to manage a contract with a certified public accounting firm to provide annual independent audits on the state route number 520 toll bridge, as required in master bond resolution 1117, and the Tacoma Narrows bridge. The department is not limited to providing technical support on these audits within existing funds provided in the tolling program and may use resources from elsewhere in the agency.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State

Appropriation\$1,460,000

Motor Vehicle Account--State Appropriation\$68,773,000

Multimodal Transportation Account--State

Appropriation\$363,000

Transportation 2003 Account (Nickel Account)--State

Appropriation\$1,460,000

TOTAL APPROPRIATION.....\$72,056,000

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

(1) \$290,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(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.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation\$26,251,000

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

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation\$7,361,000

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

TOTAL APPROPRIATION.....\$9,511,000

The appropriations in this section are subject to the following conditions and limitations: \$3,500,000 of the aeronautics account--state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation\$47,607,000

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

Multimodal Transportation Account--State

Appropriation	\$250,000
TOTAL APPROPRIATION	\$48,357,000

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

(1) \$4,423,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(2) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(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, 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 shall work with the department of fish and wildlife and 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 is not responsible for any costs associated with the cleanup or transfer of this property. This subsection expires June 30, 2014.

(4) 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. This subsection expires June 30, 2014.

(5) The legislature recognizes that the SR 20/Cook Road realignment and extension project in the city of Sedro-Woolley will enhance the state and local highway systems by providing a more direct route from state route number 20 and state route number 9 to Interstate 5, and will reduce traffic on state route number 20 and state route number 9, improving the capacity of each route. Furthermore, the legislature declares that certain portions of the department's property held for highway purposes located primarily to the north and west of state route number 20, between state route number 20 to the south and F and S Grade Road to the north, in the incorporated limits of Sedro-Woolley in Skagit county, can help facilitate completion of the project. Therefore, consistent with RCW 47.12.063, 47.12.080, and 47.12.120, it is the intent of the legislature that the department sell, transfer, or lease, as appropriate, to the city of Sedro-Woolley only those portions of the property necessary to construct the project, including necessary staging areas. However, any staging areas should revert to the department within three years of completion of the project.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	\$570,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the transportation commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012 for the transportation commission, augmented with participation by the joint transportation committee. The legislature further intends that, through the economic partnerships program, the department continue to address administrative, technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the transportation commission's efforts.

(2) The economic partnerships program must continue to explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Highway Safety Account--State Appropriation.....	\$10,000,000
Motor Vehicle Account--State Appropriation	\$390,040,000
Motor Vehicle Account--Federal Appropriation	\$7,000,000
TOTAL APPROPRIATION	\$407,040,000

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

(1) \$377,779,000 of the motor vehicle account--state appropriation and \$10,000,000 of the highway safety account--state appropriation are provided solely for the maintenance program to achieve specific levels of service on the thirty maintenance targets listed by statewide priority in LEAP Transportation Document 2013-4 as developed April 23, 2013. Beginning in February 2014, the department shall report to the legislature annually on its updated maintenance accountability process targets and whether or not the department was able to achieve its targets.

(2) \$8,450,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(3) \$1,305,000 of the motor vehicle account--state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(4) The department shall submit a budget decision for the 2014 legislative session package that details all costs associated with utility fees assessed by local governments as authorized under RCW 90.03.525.

(5) \$50,000 of the motor vehicle account--state appropriation is provided solely for clearing and pruning dangerous trees along state route number 542 between mile markers 43 and 48 to prevent safety hazards and delays.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(6) \$2,277,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform snow and ice removal activities and roadway maintenance. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$50,504,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation.....	\$250,000
TOTAL APPROPRIATION	\$52,804,000

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. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(3) During the 2013-2015 fiscal biennium, the department shall continue 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. 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.

(4) The department shall work with the cities of Lynnwood and Edmonds to provide traffic light synchronization on state route number 524.

(5)(a) Upon receipt of funding from the city of Kenmore, the department shall erect guide signs along Interstate 5, Interstate 405, and state route number 522 directing travelers to Bastyr University and Kenmore International Air Harbor.

(b) Within existing resources, and only if the department is replacing existing signs, the department shall erect:

- (i) Guide signs on Interstate 405 northbound and southbound that include the city of Kenmore; and
- (ii) Overhead signs on Interstate 5 northbound and southbound that include the city of Kenmore.

(6) The department, in consultation with the Washington state patrol, must continue a pilot program for the state patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2013-2015 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 2013-2015 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 (6) 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 safety camera infraction notice issued, along with instructions for its completion and use.

(7) \$102,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform traffic control. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$27,281,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	\$28,284,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$20,109,000
Motor Vehicle Account--Federal Appropriation	\$24,885,000
Multimodal Transportation Account--State	
Appropriation	\$662,000
Multimodal Transportation Account--Federal	
Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$100,000
TOTAL APPROPRIATION	\$48,565,000

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

(1) 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.

(2) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, the department shall contract with an independent research organization with expertise in the evaluation of wood products to determine on a life-cycle basis the cost effectiveness of using wood posts versus steel posts in new guardrail installations.

(a) The study must include the following objectives:

(i) Examine wood posts that are randomly selected, are representative of commonly found posts in service, and are of sufficient sampling size to produce a statistically valid data set;

(ii) Assess the residual flexural properties of guardrail posts after twenty years in service at various sites representing the climatic and soil variability of the state;

(iii) Measure test results against AASHTO standards;

(iv) Determine residual preservative levels in wood posts in terms of retention and penetration in order to determine the role of treatment quality on performance following test procedures outlined in American wood protection association standards;

(v) Examine the levels of decay in the guardrail posts, in terms of location of pockets and the presence of viable decay fungi, through culturing;

(vi) Investigate the effects of decay on flexural properties of guardrail posts;

(vii) Determine an acceptable level or number of nonstandard posts (i.e. posts with decay pockets that cause post strength to fall below AASHTO standards) that can be present in a guardrail run without compromising performance; and

(viii) Conduct thorough data search or identify case studies, or both, on service life of wood guardrail posts. Durability test results should also be factored in when evaluating service life.

(b) The study must be submitted to the office of financial management and the transportation committees of the legislature by January 1, 2015.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$81,628,000
Motor Vehicle Account--Federal Appropriation	\$400,000

Multimodal Transportation Account--State	Appropriation	\$40,000
TOTAL APPROPRIATION \$82,068,000		

The appropriations in this section are subject to the following conditions and limitations: The department of enterprise services 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.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

State Vehicle Parking Account--State Appropriation	\$452,000
Regional Mobility Grant Program Account--State	
Appropriation	\$49,948,000
Rural Mobility Grant Program Account--State	
Appropriation	\$17,000,000
Multimodal Transportation Account--State	
Appropriation	\$39,057,000
Multimodal Transportation Account--Federal	
Appropriation	\$3,280,000
TOTAL APPROPRIATION	\$109,737,000

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. Of this amount:

(a) \$5,500,000 of the 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 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, to the greatest extent practicable, 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 2011 as reported in the "Summary of Public Transportation - 2011" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$17,000,000 of the rural mobility grant program account--state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(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.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(4) \$9,948,000 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 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed April 23, 2013.

(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 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed April 23, 2013. 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 referenced in this subsection. The department shall provide annual status reports on December 15, 2013, and December 15, 2014, 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. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2013-2015 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) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,122,000 of the total appropriation in this section is provided solely for CTR grants and activities. Of this amount:

(a) \$3,900,000 of the multimodal transportation account--state appropriation is provided solely for grants to local jurisdictions, selected by the CTR board, for the purpose of assisting employers meet CTR goals;

(b) \$1,770,000 of the multimodal transportation account--state appropriation is provided solely for state costs associated with CTR. The department shall develop more efficient methods of CTR assistance and survey procedures; and

(c) \$452,000 of the state vehicle parking account--state appropriation is provided solely for CTR-related expenditures, including all expenditures related to the guaranteed ride home program and the STAR pass program.

(8) An affected urban growth area that has not previously implemented a commute trip reduction program as of the effective date of this section is exempt from the requirements in RCW 70.94.527.

(9) \$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.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State	
Appropriation	\$485,076,000
Puget Sound Ferry Operations Account--Private/Local	
Appropriation	\$121,000
TOTAL APPROPRIATION.....	\$485,197,000

The appropriations in this section are 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 2013-2015 supplemental and 2015-2017 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) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2013-2015 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) \$112,342,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2013-2015 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, are contingent upon the enactment of section 701 of this act. The amount provided in this subsection represent the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall develop a fuel reduction plan to be submitted as part of its 2014 supplemental budget proposal. The plan must include fuel saving proposals, such as vessel modifications, vessel speed reductions, and changes to operating procedures, along with anticipated fuel saving estimates.

(5) \$100,000 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.

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

(7) \$3,049,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the operating program share of the \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.

(8) \$5,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purchase of a 2013-2015 marine insurance policy. Within this amount, the department is expected to purchase a policy with the lowest

deductible possible, while maintaining at least existing coverage levels for ferry vessels, and providing coverage for all terminals.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State
Appropriation\$32,924,000

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

(1) \$27,319,000 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. In recognition of the increased costs the state is expected to absorb due to changes in federal law, the department is directed to analyze the Amtrak contract proposal and find cost saving alternatives. The department shall report to the transportation committees of the legislature before the 2014 regular legislative session on its revisions to the Amtrak contract, including a review of the appropriate costs within the contract for concession services, policing, host railroad incentives, and station services and staffing needs. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report any changes that would affect the state subsidy amount appropriated in this subsection.

(2) Amtrak Cascades runs may not be eliminated.

(3) The department shall continue 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 December 31, 2013, to December 31, 2014, and evaluate seasonal differences in the program and the effect of advertising. The department may offer to Washington universities an opportunity for business students to work as interns on the analysis of the pilot program process and results. The department shall report on the results of the pilot program to the office of financial management and the legislature by January 31, 2015.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation\$8,737,000
Motor Vehicle Account--Federal Appropriation\$2,567,000
TOTAL APPROPRIATION\$11,304,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account--State
Appropriation\$11,794,000
Freight Mobility Multimodal Account--State
Appropriation\$9,736,000

Freight Mobility Multimodal Account--Private/Local
Appropriation\$1,320,000
Highway Safety Account--State Appropriation.....\$2,450,000
Motor Vehicle Account--State Appropriation\$84,000
Motor Vehicle Account--Federal Appropriation\$3,250,000

TOTAL APPROPRIATION\$28,634,000

The appropriations in this section are subject to the following conditions and limitations: Except as provided otherwise in this section, the total appropriation in this section is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1256), Laws of 2013 (addressing project selection by the freight mobility strategic investment board). If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is not enacted by June 30, 2013, the amounts provided in this section lapse.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation \$1,926,000

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

(1) \$200,000 of the state patrol highway account--state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$426,000 of the state patrol highway account--state appropriation is provided solely for the replacement of the roofs of the Marysville district office and vehicle inspection building and Spokane East office.

(3) \$450,000 of the state patrol highway account--state appropriation is provided solely for upgrades to scales at South Pasco, Deer Park, and Kelso required to meet current certification requirements.

(4) \$850,000 of the state patrol highway account--state appropriation is provided solely for the replacement of the damaged and unrepairable scale house at the Everett southbound I-5 weigh scales, including equipment, weigh-in-motion technology, and an ALPR camera.

(5) The Washington state patrol, in cooperation with the Washington state department of transportation, must study the federal funding options available for weigh station construction and improvements on the national highway system. A study report must be provided by July 1, 2014, to the office of financial management and the transportation committees of the legislature with recommendations on utilizing federal funds for weigh station projects.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State
Appropriation\$35,894,000
Highway Safety Account--State Appropriation.....\$10,000,000
Motor Vehicle Account--State Appropriation\$706,000
County Arterial Preservation Account--State
Appropriation\$30,000,000
TOTAL APPROPRIATION.....\$76,600,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State
Appropriation\$3,500,000
Highway Safety Account--State Appropriation.....\$10,000,000
Transportation Improvement Account--State
Appropriation\$174,225,000
TOTAL APPROPRIATION.....\$187,725,000

The appropriations in this section are subject to the following conditions and limitations: The highway safety account--state appropriation is provided solely for:

(1) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(2) The small city pavement program to help cities meet urgent preservation needs; and

(3) The small city low-energy street light retrofit demonstration program.

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

Transportation Partnership Account--State
Appropriation\$13,425,000
Motor Vehicle Account--State Appropriation\$8,106,000
TOTAL APPROPRIATION\$21,531,000

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

(1) The legislature recognizes that the Marginal Way site (King county parcel numbers 3024049182 & 5367202525) is surplus state-owned real property under the jurisdiction of the department

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

and that the public would benefit significantly if this site is used to provide important social services. Therefore, the legislature declares that committing the Marginal Way site to this use is consistent with the public interest.

Pursuant to RCW 47.12.063, the department shall work with the owner of King county parcel number 7643400010, which abuts both parcels of the Marginal Way site, and shall convey the Marginal Way site to that abutting property owner for the appraised fair market value of the parcels, the proceeds of which must be deposited in the motor vehicle fund. The conveyance is conditional upon the purchaser's agreement to commit the use of the Marginal Way site to operations with the goal of ending hunger in western Washington. The department may not make this conveyance before September 1, 2013, and may not make this conveyance after January 15, 2014.

The Washington department of transportation is not responsible for any costs associated with the cleanup or transfer of the Marginal Way site.

(2) \$13,425,000 of the transportation partnership account--state appropriation is provided solely for the construction of a new traffic management and emergency operations center on property owned by the department on Dayton Avenue in Shoreline (project 100010T). Consistent with the office of financial management's 2012 study, it is the intent of the legislature to appropriate no more than \$15,000,000 for the total construction costs. The department shall report to the transportation committees of the legislature and the office of financial management by June 30, 2014, on the progress of the construction of the traffic management and emergency operations center, including a schedule for terminating the current lease of the Goldsmith building in Seattle.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I Multimodal Transportation Account--State

Appropriation	\$1,000,000
Transportation Partnership Account--State	
Appropriation	\$1,536,032,000
Motor Vehicle Account--State Appropriation	\$61,508,000
Motor Vehicle Account--Federal Appropriation	\$473,359,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$208,452,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$242,253,000
State Route Number 520 Corridor Account--State	
Appropriation	\$737,205,000
State Route Number 520 Corridor Account--Federal	
Appropriation	\$300,000,000
Special Category C Account--State Appropriation	\$124,000
TOTAL APPROPRIATION.....	\$3,559,933,000

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 2013-1 as developed April 23, 2013, 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) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Improvement Program (I). It is the intent of the legislature to direct

the department to give first priority of federal funds gained through efficiencies or the redistribution process to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(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) The transportation 2003 account (nickel account)--state appropriation includes up to \$217,604,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account--state appropriation includes up to \$1,156,217,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) The motor vehicle account--state appropriation includes up to \$30,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(7)(a) \$1,334,000 of the transportation partnership account--state appropriation, \$48,433,500 of the motor vehicle account--private/local appropriation, and \$32,020,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). The federal funds appropriated in this subsection reflect the maximum amount of federal funds that may be allocated to this project. Section 603 of this act does not apply to the I-5/Columbia River Crossing project (400506A) and, therefore, funds shall not be transferred to this project. Of the amounts appropriated in this subsection, \$1,254,000 of the transportation partnership account--state appropriation, \$30,099,000 of the motor vehicle account--federal appropriation, and \$45,528,000 of the motor vehicle account--private/local appropriation in this subsection are held in unallotted status and are contingent upon the United States coast guard approving the I-5/Columbia River Crossing project's permit. If the permit is approved, the director of the office of financial management may allot the funds. If the permit is not approved, the appropriations in this subsection must be put into allotted status by the director of the office of financial management and may be used only for the development of a new supplemental environmental impact statement to redesign the Interstate 5 bridge between Washington and Oregon in accordance with the requirements of the United States coast guard. The department shall not submit the supplemental environmental impact statement to the appropriate federal agencies for approval until July 1, 2014.

(b) It is the intent of the legislature that Washington and Oregon have equal funding commitments and equal total expenditures to date on the shared components of the I-5/Columbia River Crossing project. The department shall provide a quarterly report on this project beginning September 30, 2013. The report must include:

- (i) An update on preliminary engineering and right-of-way acquisition for the previous quarter;
- (ii) Planned objectives for right-of-way and preliminary engineering for the ensuing quarter;
- (iii) An updated comparison of the total appropriation authority for the project by state;
- (iv) An updated comparison of the total expenditures to date on the project by state; and
- (v) The committed funding provided by the state of Oregon to right-of-way acquisition.

(8)(a) \$5,000,000 of the motor vehicle account--federal appropriation and \$200,000 of the motor vehicle account--state appropriation are provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The

department shall prepare a detailed environmental impact statement that complies with the national environmental policy act regarding tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for the construction of the unfunded state route number 520 from Interstate 5 to Medina project. As part of the preparation of the statement, the department must review any impacts to the network of highways and roads surrounding Lake Washington. In developing this statement, the department must provide significant outreach to potential affected communities. The department may consider traffic management options that extend as far east as Issaquah.

(b)(i) As part of the project in this subsection (8), the department shall perform a study of all funding alternatives to tolling Interstate 90 to provide funding for construction of the unfunded state route number 520 and explore and evaluate options to mitigate the effect of tolling on affected residents and all other users of the network of highways and roads surrounding Lake Washington including, but not limited to:

(A) Allowing all Washington residents to traverse a portion of the tolled section of Interstate 90 without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island;

(B) Assessing a toll only when a driver traverses, in either direction, the entire portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing east of Mercer Island; and

(C) Allowing affected residents to choose one portion of the tolled section of Interstate 90 upon which they may travel without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island.

(ii) The department may also consider any alternative mitigation options that conform to the purpose of this subsection (8).

(iii) For the purposes of this subsection (8), "affected resident" means anyone who must use a portion of Interstate 90 west of Interstate 405 upon which tolling is considered in order to access necessary medical services, such as a hospital.

(9) \$541,901,000 of the transportation partnership account--state appropriation, \$144,954,000 of the motor vehicle account--federal appropriation, \$129,779,000 of the motor vehicle account--private/local appropriation, and \$78,004,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the SR 99/Alaskan Way Viaduct - Replacement project (809936Z).

(10) 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 annually until the project is operationally complete. This subsection takes effect if chapter ... (Substitute House Bill No. 1957), Laws of 2013 is not enacted by June 30, 2013.

(11) \$7,408,000 of the transportation partnership account--state appropriation, \$14,594,000 of the transportation 2003 account

(nickel account)--state appropriation, \$3,730,000 of the motor vehicle account--state appropriation, \$1,000,000 of the multimodal transportation account--state appropriation, and \$41,395,000 of the motor vehicle account--federal appropriation are provided solely for the US 395/North Spokane Corridor projects (600010A & 600003A). Any future savings on the projects must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor projects or any future phase of the projects.

(12) \$114,369,000 of the transportation partnership account--state appropriation and \$53,755,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project.

(13)(a) The SR 520 Bridge Replacement and HOV project (0BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$819,524,625 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account--state appropriation includes up to \$668,142,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account--federal appropriation includes up to \$300,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) \$153,124,000 of the transportation partnership account--state appropriation, \$300,000,000 of the state route number 520 corridor account--federal appropriation, and \$737,205,000 of the state route number 520 corridor account--state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (0BI1003). Of the amounts appropriated in this subsection (13)(d), \$105,085,000 of the state route number 520 corridor account--federal appropriation and \$227,415,000 of the state route number 520 corridor account--state appropriation must be put into unallotted status and are subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(e) When developing the financial plan for the project, 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.

(14) \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) \$22,602,000 of the motor vehicle account--state appropriation is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013. 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 provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

department's business plan for staffing in the highway construction program in the current fiscal biennium.

(16) If a planned roundabout in the vicinity of state route number 526 and 84th Street SW would divert commercial traffic onto neighborhood streets, the department may not proceed with improvements at state route number 526 and 84th Street SW until the traffic impacts in the vicinity of state route number 526 and 40th Avenue West are addressed.

(17) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2015, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(18) The legislature finds that "right-sizing" is a lean, metric-based approach to determining project investments. This concept entails compromise between project cost and design, incorporating local community needs, desired outcomes, and available funding. Furthermore, the legislature finds that the concepts and principles the department has utilized in the safety analyst program have been effective tools to prioritize projects and reduce project costs. Therefore, the department shall establish a pilot project on the SR 3/Belfair Bypass - New Alignment (300344C) to begin implementing the concept of "right-sizing" in the highway construction program.

(19) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(20) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2014 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(21) \$28,963,000 of the motor vehicle account--state appropriation is provided solely for improvement program support activities (095901X). \$18,000,000 of this amount must be held in unallotted status until the office of financial management certifies that the department's 2014 supplemental budget request conforms to the terms of subsection (20) of this section.

(22) The department shall report to the chairs of the senate transportation committee and the house of representatives transportation committee whenever the department is in negotiations to provide a public or private entity mitigation for ten million dollars or more.

(23) Any new advisory group that the department convenes during the 2013-2015 fiscal biennium must be representative of the interests of the entire state of Washington.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P
Transportation Partnership Account--State

Appropriation	\$36,480,000
Highway Safety Account--State Appropriation.....	\$10,000,000
Motor Vehicle Account--State Appropriation	\$58,503,000
Motor Vehicle Account--Federal Appropriation	\$580,062,000

Motor Vehicle Account--Private/Local Appropriation..\$11,270,000
Transportation 2003 Account (Nickel Account)--State

Appropriation	\$2,285,000
TOTAL APPROPRIATION.....	\$698,600,000

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 2013-1 as developed April 23, 2013, 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) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). It is the intent of the legislature to direct the department to give first priority of federal funds gained through efficiencies or the redistribution process to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(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) \$27,278,000 of the motor vehicle account--federal appropriation and \$1,141,000 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.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

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

Motor Vehicle Account--State Appropriation	\$3,194,000
Motor Vehicle Account--Federal Appropriation	\$7,959,000
TOTAL APPROPRIATION	\$11,153,000

The appropriations in this section are subject to the following conditions and limitations: \$694,000 of the motor vehicle account--state appropriation is provided solely for project 000005Q as 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.

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

Puget Sound Capital Construction Account--State	
Appropriation	\$53,036,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$91,692,000
Puget Sound Capital Construction Account--Private/Local	
Appropriation	\$1,145,000
Multimodal Transportation Account--State Appropriation	
.....	\$1,534,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$143,941,000
TOTAL APPROPRIATION.....	\$291,348,000

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

(1) 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 2013-2 ALL PROJECTS as developed April 23, 2013, Program - Washington State Ferries Capital Program (W).

(2) The Puget Sound capital construction account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(3) \$143,633,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the acquisition of two 144-car vessels (projects L2200038 and L2200039). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(4) \$8,270,000 of the Puget Sound capital construction account--federal appropriation, \$3,935,000 of the Puget Sound capital construction account--state appropriation, and \$1,534,000 of the multimodal transportation account--state appropriation are provided solely for the Mukilteo ferry terminal (project 952515P). To the greatest extent practicable, the department shall seek additional federal funding for this project.

(5) \$4,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may only be spent after approval by the office of financial management.

(6) 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 not precluded by any future modifications at the terminal.

(7) \$3,800,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(8) \$4,210,000 of the Puget Sound capital construction account--state appropriation is provided solely for the capital program share of \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.

(9) \$21,950,000 of the total appropriation is for preservation work on the Hyak super class vessel (project 944431D), including installation of a power management system and more efficient propulsion systems, that in combination are anticipated to save up to twenty percent in fuel and reduce maintenance costs. Upon

completion of this project, the department shall provide a report to the transportation committees of the legislature on the fuel and maintenance savings achieved for this vessel and the potential to save additional funds through other vessel conversions.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL Essential Rail Assistance Account--State

Appropriation	\$861,000
Transportation Infrastructure Account--State	
Appropriation	\$8,582,000
Multimodal Transportation Account--State	
Appropriation	\$33,156,000
Multimodal Transportation Account--Federal	
Appropriation	\$333,881,000
TOTAL APPROPRIATION.....	\$376,480,000

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 2013-2 ALL PROJECTS as developed April 23, 2013, Program -Rail Capital Program (Y).

(b) Within the amounts provided in this section, \$7,332,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program identified in the LEAP transportation document referenced 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, \$2,439,000 of the multimodal transportation account--state appropriation, \$1,250,000 of the transportation infrastructure account--state appropriation, and \$311,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in (a) of this subsection.

(2) Unsuccessful 2012 freight rail assistance program grant applicants may be awarded freight rail investment bank program loans, if eligible. If any funds remain in the freight rail investment bank or freight rail assistance program reserves (projects F01001A and F01000A), or any approved grants or loans are terminated, the department shall issue a call for projects for the freight rail investment bank loan program and the freight rail assistance grant program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 1, 2013, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(3) \$314,647,000 of the multimodal transportation account--federal appropriation and \$4,867,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. The multimodal transportation account--state appropriation funds reflect one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.

(4) 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.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(6)(a) \$550,000 of the essential rail assistance account--state appropriation and \$1,893,000 of the multimodal transportation account--state appropriation are provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. The department shall complete an evaluation and assessment of future maintenance needs on the line to ensure appropriate levels of state investment.

(b) Expenditures from the essential rail assistance account--state appropriation in this section may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad line.

(7) \$31,500,000 of the multimodal transportation account--federal appropriation is provided solely for the purchase of two new train sets for the state-supported intercity passenger rail service. The department must apply for any federal waivers required to purchase the new train sets, as allowable under existing competitive bidding practices, and seek federal funds in addition to those available from the high-speed rail grants.

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

Highway Infrastructure Account--State Appropriation\$207,000
Highway Infrastructure Account--Federal

Appropriation\$1,602,000

Freight Mobility Investment Account--State

Appropriation\$11,794,000

Transportation Partnership Account--State

Appropriation\$7,214,000

Highway Safety Account--State Appropriation.....\$11,255,000

Motor Vehicle Account--State Appropriation\$6,918,000

Motor Vehicle Account--Federal Appropriation.....\$28,413,000

Freight Mobility Multimodal Account--State

Appropriation\$9,736,000

Freight Mobility Multimodal Account--Private/Local

Appropriation\$1,320,000

Multimodal Transportation Account--State

Appropriation\$13,913,000

TOTAL APPROPRIATION.....\$92,372,000

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

(1) 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 2013-2 ALL PROJECTS as developed April 23, 2013, Program -Local Programs (Z).

(2) 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. The department may negotiate with the city of Tacoma an agreement for repayment of the funds over a period of up to twenty-five years at terms agreed upon by the department and the city. The funds previously advanced by the department to the city are not to be considered a general obligation of the city but instead an obligation payable from identified revenues set aside for the repayment of the funds.

(3) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$12,160,000 of the multimodal transportation account--state appropriation, \$6,824,000 of the transportation partnership

account--state appropriation, and \$62,000 of the motor vehicle account--federal appropriation are provided solely for pedestrian and bicycle safety program projects.

(b) \$11,700,000 of the motor vehicle account--federal appropriation, \$5,200,000 of the motor vehicle account--state appropriation, and \$6,750,000 of the highway safety account--state appropriation are provided solely for newly selected safe routes to school projects, and \$3,400,000 of the motor vehicle account--federal appropriation and \$2,055,000 of the highway safety account--state appropriation are reappropriated for safe routes to school projects selected in the previous biennia. The amount provided for new projects is consistent with federal funding levels from the 2011-2013 omnibus transportation appropriations act and the intent of the fee increases in chapter 74, Laws of 2012 and chapter 80, Laws of 2012. The motor vehicle account--state appropriation in this subsection (3)(b) is the amount made available by the repeal of the deduction from motor vehicle fuel tax liability for handling losses of motor vehicle fuel, as identified in chapter . . . (Substitute House Bill No. 2041), Laws of 2013 (handling losses of motor vehicle fuel). If chapter . . . (Substitute House Bill No. 2041), Laws of 2013 is not enacted by June 30, 2013, the motor vehicle account--state appropriation in this subsection (3)(b) lapses.

(4) \$84,000 of the motor vehicle account--state appropriation, \$3,250,000 of the motor vehicle account--federal appropriation, \$2,450,000 of the highway safety account--state appropriation, \$11,794,000 of the freight mobility investment account--state appropriation, \$9,736,000 of the freight mobility multimodal account--state appropriation, and \$1,320,000 of the freight mobility multimodal account--private/local appropriation are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2013-B as developed April 23, 2013. If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is enacted by June 30, 2013, the amounts provided in this subsection lapse.

(5) The department may enter into contracts and make expenditures for projects on behalf of and selected by the freight mobility strategic investment board from the amounts provided in section 301 of this act.

(6) The department shall submit a report to the transportation committees of the legislature by December 1, 2013, and December 1, 2014, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program (OLP600P). The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(7) \$50,000 of the motor vehicle account--state appropriation is provided solely for the installation of a guard rail on Deer Harbor Road in San Juan county (L2220054).

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its budget submittal for the 2014 supplemental budget, the department of transportation shall provide an update to the report provided to the legislature in 2013 that: (a) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the 2014 supplemental budget, the department of transportation shall provide an annual

report on the number of toll credits the department has accumulated and how the department has used the toll credits.

NEW SECTION. Sec. 313. QUARTERLY 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 costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(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 transportation budget that are going to advertisement during the current fiscal biennium;

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

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

(4) The department shall provide a list of change orders executed for each fiscal quarter beginning September 30, 2013. The report must include the name of the contractor, the dollar value of the change order, and a brief explanation for why there needs to be a change order.

(5) The department shall provide a quarterly report, beginning September 30, 2013, on project mitigation costs. The report must show:

(a) All mitigation payments made during the current fiscal biennium;

(b) The party with whom the mitigation was negotiated; and

(c) The parties with whom the department are in on-going negotiations.

NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

TRANSFERS AND DISTRIBUTIONS

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

Transportation Partnership Account--State	
Appropriation	\$10,406,000
Motor Vehicle Account--State Appropriation	\$450,000
State Route Number 520 Corridor Account--State	
Appropriation	\$3,866,000
Highway Bond Retirement Account--State	
Appropriation	\$1,074,580,000
Ferry Bond Retirement Account--State Appropriation ..	\$31,824,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation	\$16,267,000
Nondebt-Limit Reimbursable Bond Retirement Account--State	
Appropriation	\$25,825,000
Toll Facility Bond Retirement Account--State	
Appropriation	\$52,050,000
Toll Facility Bond Retirement Account--Federal	
Appropriation	\$64,982,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$1,958,000
Special Category C Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	\$1,282,210,000

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

Transportation Partnership Account--State	
Appropriation	\$1,156,000
Motor Vehicle Account--State Appropriation	\$50,000
State Route Number 520 Corridor Account--State	
Appropriation	\$531,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$218,000
TOTAL APPROPRIATION	\$1,955,000

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

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account.....	\$20,000,000
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The department of transportation is authorized to sell up to \$20,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

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

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax distributions to cities and counties	\$474,610,000
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NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

motor vehicle fuel tax refunds and statutory transfers\$1,235,491,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers\$138,627,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State

Appropriation: For transfer to the Motor Vehicle Account--State\$1,300,000

(2) Multimodal Transportation Account--State

Appropriation: For transfer to the Puget Sound Ferry Operations Account--State\$13,000,000

(3) Rural Mobility Grant Program Account--State

Appropriation: For transfer to the Multimodal Transportation Account--State.....\$3,000,000

(4) Motor Vehicle Account--State

Appropriation: For transfer to the Special Category C Account--State\$1,500,000

(5) Capital Vessel Replacement Account--State

Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State\$7,702,000

(6) Multimodal Transportation Account--State

Appropriation: For transfer to the Public Transportation Grant Program Account--State\$26,000,000

(7) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State\$28,000,000

(8) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction Account--State\$28,000,000

(9) State Route Number 520 Civil Penalties

Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State.....\$886,000

(10) Multimodal Transportation Account--State

Appropriation: For transfer to the Highway Safety Account--State\$10,000,000

(11) Motor Vehicle Account--State Appropriation:

For transfer to the State Patrol Highway Account--State\$27,000,000

(12) Highway Safety Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations Account--State\$42,000,000

(13) Advanced Environmental Mitigation Revolving

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

(14) Advanced Right-of-Way Revolving Fund--State

Appropriation: For transfer to the Motor Vehicle Account--State\$6,000,000

(15) Tacoma Narrows Toll Bridge Account--State

Appropriation: For transfer to the Motor Vehicle Account--State\$950,000

(16) License Plate Technology Account--State

Appropriation: For transfer to the Highway Safety Account--State\$3,000,000

(17) Motor Vehicle Account--State Appropriation:

For transfer to the Transportation Equipment Fund--State.....\$3,915,000

(18) Multimodal Transportation Account--State

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

NEW SECTION. Sec. 408. FOR THE STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES

Public Transportation Grant Program Account--State

Appropriation \$26,000,000

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

(1) One-eighth of the appropriation in this section must be distributed quarterly 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 subsection (1) of 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 2011.

NEW SECTION. Sec. 409. STATUTORY APPROPRIATIONS

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

NEW SECTION. Sec. 410. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 516 of this act represent the results of the 2013-2015 collective bargaining process required under chapters 47.64, 41.80, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 516 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements or the continuation of terms and conditions of the 2011-2013 agreements contained in sections 503 through 516 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--OPEIU

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for an additional step on the OPEIU salary schedule. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund--state revenue from increased economic activity.

NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--FASPAA

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, and a one percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--SEIU LOCAL 6

An agreement has been reached between the governor and the service employees international union local six pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a new step on the salary schedule. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state collecting \$200,000,000 or more in unanticipated general fund--state revenue from economic activity.

NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--CARPENTERS

An agreement has been reached between the governor and the pacific northwest regional council of carpenters pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2013, and a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--METAL TRADES

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded one and one-half percent salary increase for all bargaining unit members beginning July 1, 2013, and a one and one-half percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, and additional vacation accrual beginning July 1, 2014.

NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, and additional vacation accrual beginning July 1, 2014.

NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P MATES

An agreement has been reached between the governor and the masters, mates, and pilots - mates through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members beginning July 1, 2014, additional pay for relief employees, increased uniform allowance, and increased Friday Harbor relief pay.

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P MASTERS

An agreement has been reached between the governor and the masters, mates, and pilots - masters through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for a one percent salary increase for all bargaining unit members beginning July 1, 2013, a one percent salary increase for all bargaining unit members beginning July 1, 2014, relief assignment pay for all compensated hours beginning July 1, 2014, increased uniform allowance, increased license renewal allowance, and increased Friday Harbor relief pay.

NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--MM&P WATCH SUPERVISORS

An agreement has been reached between the governor and the masters, mates, and pilots - watch supervisors through an interest arbitration decision pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded 16.125 percent salary increase for all bargaining unit members beginning July 1, 2013, and a 16.125 percent salary increase for all bargaining unit members beginning July 1, 2014.

NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--IBU

An agreement has been reached between the governor and the inlandboatmen's union of the pacific pursuant to chapter 47.64 RCW for the 2013-2015 fiscal biennium. Funding is provided for an eighteen percent increase for entry-level wage rates for all bargaining unit members beginning July 1, 2013. For all other wage rates, funding is provided to increase rates two and one-half percent for all bargaining unit members beginning July 1, 2013, and to increase rates two and one-half percent for all bargaining unit members beginning July 1, 2014. Funding is also provided for marine license fees.

NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENTS--PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local seventeen under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Funding is provided to add a longevity step. The agreement also includes a one percent salary increase for all bargaining unit members effective July 1, 2014, through June 30, 2015, contingent on the state

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

collecting \$200,000,000 or more in unanticipated general fund--state revenue from increased economic activity.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2013, and a one percent increase to longevity pay for years five through nine effective July 1, 2014.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for the awarded three percent salary increase for all bargaining unit members effective July 1, 2014, and for parking of department-issued vehicles for employees assigned vehicles at the general administration building or capitol campus.

NEW SECTION. Sec. 517. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement has been reached between the governor and the health care super coalition under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 518. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 519. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed \$820 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

NEW SECTION. Sec. 520. COMPENSATION--NONREPRESENTED EMPLOYEES--SALARIES AND WAGES

For classified state employees, except those within the Washington management service and those represented by a bargaining unit under chapter 41.80, 41.56, or 47.64 RCW, funding is provided within agency appropriations for implementation of a longevity step, in accordance with rules adopted under RCW 41.06.133.

Sec. 521. RCW 47.64.170 and 2011 c 367 s 712 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the governor may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of the employer or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with anyone other than the person who has been appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative.

(6)(a) Within ten working days after the first Monday in September of every odd-numbered year, the parties shall attempt to agree on an interest arbitrator to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. If the parties cannot agree on an arbitrator within the ten-day period, either party may request a list of seven arbitrators from the federal mediation and conciliation service. The parties shall select an interest arbitrator using the coin toss/alternate strike method within thirty calendar days of receipt of the list. Immediately upon selecting an interest arbitrator, the parties shall cooperate to reserve dates with the arbitrator for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the name of the arbitrator and the dates reserved for bargaining and arbitration. This subsection (6)(a) imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(b) The negotiation of a proposed collective bargaining agreement by representatives of the employer and a ferry employee organization shall commence on or about February 1st of every even-numbered year.

(c) For negotiations covering the 2009-2011 biennium and subsequent biennia, the time periods specified in this section, and in RCW 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of all agreements on or before October 1st of the even-numbered year next preceding the biennial budget period during which the agreement should take effect. These time periods may only be altered by mutual agreement of the parties in writing. Any such agreement and any impasse procedures agreed to by the parties under RCW 47.64.200 must include an agreement regarding the new time periods that will allow final resolution by negotiations or arbitration by October 1st of each even-numbered year.

(7) It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by October 1st of the even-numbered year before the commencement of the biennial budget year during which the agreements are to be in effect. After the expiration date of a

collective bargaining agreement negotiated under this chapter, except to the extent provided in subsection (11) of this section and RCW 47.64.270(4), all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) The office of financial management shall conduct a salary survey, for use in collective bargaining and arbitration, which must be conducted through a contract with a firm nationally recognized in the field of human resources management consulting.

(9) Except as provided in subsection (11) of this section:

(a) The governor shall submit a request either for funds necessary to implement the collective bargaining agreements including, but not limited to, the compensation and fringe benefit provisions or for legislation necessary to implement the agreement, or both. Requests for funds necessary to implement the collective bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(b) The governor shall submit a request either for funds necessary to implement the arbitration awards or for legislation necessary to implement the arbitration awards, or both. Requests for funds necessary to implement the arbitration awards shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. The legislature shall not consider a request for funds to implement a collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and 47.64.300.

(10) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11)(a) For the collective bargaining agreements negotiated for the 2011-2013 fiscal biennium, the legislature may consider a request for funds to implement a collective bargaining agreement even if the request for funds was not received by the office of financial management by October 1st and was not transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

(b) For the ~~(2011-2013)~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee must be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~(If such an agreement is negotiated and funded by the legislature,~~

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

~~this agreement will supersede any terms and conditions of an expired 2009-2011 biennial master collective bargaining agreement under this chapter regarding health care benefits.)~~ The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(c) For the collective bargaining agreements negotiated for the 2013-2015 fiscal biennium, the legislature may consider a request for funds to implement a collective bargaining agreement reached after October 1st after a determination of financial infeasibility by the director of the office of financial management if the request for funds is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

Sec. 522. RCW 47.64.270 and 2011 c 367 s 713 are each amended to read as follows:

(1) The employer and one coalition of all the exclusive bargaining representatives subject to this chapter and chapter 41.80 RCW shall conduct negotiations regarding the dollar amount expended on behalf of each employee for health care benefits.

(2) Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW.

(3) The employer and employee organizations may collectively bargain for insurance plans other than health care benefits, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050.

(4) For the ~~((2011-2013))~~ 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee must be a separate agreement for which the governor may request funds necessary to implement the agreement. ~~((If such an agreement is negotiated and funded by the legislature, this agreement will supersede any terms and conditions of an expired 2009-2011 biennial collective bargaining agreement under this chapter regarding health care benefits.))~~

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. 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 shall submit a report on the progress made in 2011-2013 by July 1, 2013.

(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.

NEW SECTION. Sec. 602. FOR THE DEPARTMENT OF TRANSPORTATION

The department shall begin to transition from owning a fleet of passenger vehicles in Thurston county to using the state motor pool. The funding appropriated in this act may not be used by programs headquartered in Thurston county to purchase passenger cars as defined in RCW 46.04.382.

NEW SECTION. Sec. 603. FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in the LEAP list titled 2013-1 as developed April 23, 2013, which consists of a list of specific projects by fund source and amount over a ten-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a ten-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. However, this section does not apply to the I-5/Columbia River Crossing project (400506A). For the 2011-2013 and 2013-2015 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 2014 supplemental omnibus transportation appropriations act, any unexpended 2011-2013 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, without the approval of the director of the office of financial management, 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. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The agency in subsection (2) of this section may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) The Washington state patrol may enter into agreements with the department of enterprise services and the state treasurer's office to develop requests to the legislature for the acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. The Washington state patrol may enter into a financing contract for up to \$4,680,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install mobile office platforms in state patrol and pursuit vehicles.

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION

(1) The department of transportation shall prepare an updated facilities and property plan to improve the oversight of real estate procurement and property management across all department programs and regions, including the Washington state ferries. The plan must be submitted to the office of financial management and the transportation committees of the legislature by December 31, 2013. The plan must include:

(a) An inventory of all currently owned and leased buildings, including tunnel and bridge operation or maintenance facilities, and traffic management centers as provided by the state's facilities inventory process prescribed by the office of financial management annually by September 1st;

(b) A land inventory, as of July 2013, including an indication of whether the land is being held for right-of-way, disposition, or future operational facilities;

(c) A prioritized list of all facilities that are planned to be constructed, renovated, or remodeled in the next ten years, including each facilities' purpose and use, and the funding source indicating whether the funding that is assumed for the facility improvements is project or operational funding;

(d) A list of options for consolidating staff, equipment, and operational activities to reduce costs with an emphasis on consolidating facilities from leased facilities into state-owned facilities. New locations for a permanent state program or activity, unless a life-cycle cost analysis supports leasing in lieu of ownership or funds are not available for construction, should be state-owned facilities;

(e) A department-wide coordinated process and plan for regularly evaluating facility needs, which includes all facilities in the inventory under (a) of this subsection; and

(f) A list of department-owned property that can be declared surplus property.

(2) Except as provided otherwise in this act, the department of transportation may not enter into new leases, equal value exchanges, or property transactions, including land acquisitions, except for right-of-way purchases for projects on the legislative project lists, without first consulting with the office of financial management.

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION

As part of its 2014 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(1) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2011-2013 fiscal biennium into the 2013-2015 fiscal biennium; and

(2) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2013 enacted omnibus transportation appropriations act.

NEW SECTION. Sec. 607. FOR THE DEPARTMENT OF TRANSPORTATION

The department of transportation, in conjunction with the office of minority and women's business enterprises, shall review the city of Seattle's minority and women's business enterprise inclusion plans that the city has implemented. The review should include a comparison between the existing state process and the city of Seattle inclusion process for bidding construction projects. As part of the review, any identified advantages or disadvantages along with any realized benefits that the city of Seattle has experienced should be included in a report that is due to the transportation committees of the legislature by December 1, 2013.

NEW SECTION. Sec. 608. VOLUNTARY RETIREMENT AND SEPARATION INCENTIVES

As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement and/or separation program that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that the program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the office of the state human resources director and the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have any contractual right to a financial incentive offered pursuant to this section. Offers must be reviewed and monitored jointly by the office of the state human resources director and the department of retirement systems. Agencies must submit a report by June 30, 2015, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

NEW SECTION. Sec. 609. COMPENSATION--REVISE PENSION CONTRIBUTION RATES

The appropriations for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

law enforcement officers' and firefighters' retirement system plan 2 board.

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF TRANSPORTATION

The department of transportation may provide up to \$3,000,000 in toll credits to Kitsap Transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided 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 must not exceed the amount authorized in this section.

NEW SECTION. Sec. 611. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 612. WEB SITE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2013-2015 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

MISCELLANEOUS 2013-2015 FISCAL BIENNIUM

Sec. 701. RCW 43.19.642 and 2012 c 86 s 802 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the 2011-2013 and 2013-2015 fiscal (~~biennium~~) biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel (~~purchased~~) purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 702. RCW 46.12.630 and 2012 c 86 s 803 are each amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1)~~(a)~~ The manufacturers of motor vehicles, or their authorized agents, to be used:

~~((a))~~ (i) To enable those manufacturers to carry out the provisions of the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles; or

~~((b))~~ (ii) During the 2011-2013 fiscal biennium, in research activities, and in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals; or

(b) During fiscal year 2014, an entity that is an authorized agent of a motor vehicle manufacturer, for purposes of using lists of registered and legal owner information to conduct research activities and produce statistical reports, as long as the entity does not allow personal information received under this section to be published, redisclosed, or used to contact individuals. The department must charge an amount sufficient to cover the full cost of providing the data requested under this subsection (1)(b). Full cost of providing the data includes the information technology, administrative, and contract oversight costs;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.635 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers;

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing

address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

Sec. 703. RCW 46.18.060 and 2012 c 65 s 6 are each amended to read as follows:

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

(2) Duties of the department include, but are not limited to, the following:

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

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

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

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) Except as provided in RCW 46.18.245, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2013))~~ 2015. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.

(4) The limitations under subsection (3) of this section do not apply to the following special license plates:

(a) 4-H license plates created under RCW 46.18.200;

(b) Music Matters license plates created under RCW 46.18.200;

(c) State flower license plates created under RCW 46.18.200;

(d) Volunteer firefighter license plates created under RCW 46.18.200.

Sec. 704. RCW 46.68.113 and 2011 c 353 s 7 are each amended to read as follows:

(1) During the 2013-2015 fiscal biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia, but in no case shall it exceed eighty percent. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation. Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

(2) Cities and towns are exempt from the requirement to report preservation rating information to the department or the transportation commission through the 2013-2015 fiscal biennium.

Sec. 705. RCW 46.68.170 and 2011 c 367 s 715 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 706. RCW 46.68.325 and 2011 c 367 s 721 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

NEW SECTION. Sec. 707. A new section is added to chapter 47.06A RCW to read as follows:

During the 2013-2015 fiscal biennium, members of the freight advisory committee group created as a standing committee of the board may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 708. RCW 47.29.170 and 2011 c 367 s 701 are each amended to read as follows:

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

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

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2013))~~ 2015.

Sec. 709. RCW 47.56.403 and 2011 c 367 s 709 are each amended to read as follows:

(1) The department may provide for the establishment, construction, and operation of a pilot project of high occupancy toll lanes on state route 167 high occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high occupancy toll lane pilot project.

(2) Tolls for high occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

(a) Freeway efficiency and safety;

(b) Effectiveness for transit;

(c) Person and vehicle movements by mode;

(d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high occupancy vehicle lane users.

(5) Authorization to impose high occupancy vehicle tolls for the state route 167 high occupancy toll pilot project expires if either of the following two conditions apply:

(a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of July 24, 2005; or

(b) If high occupancy vehicle tolls are being collected on June 30, ~~((2013))~~ 2015.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high occupancy vehicle lane to a high occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

Sec. 710. RCW 47.56.876 and 2011 c 367 s 720 are each amended to read as follows:

~~((4))~~ A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2011-2013 and 2013-2015 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project (8B11003).

~~((2))~~ This section is contingent on the enactment by June 30, 2010, of either chapter 249, Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this section is null and void.)

Sec. 711. RCW 46.63.170 and 2012 c 85 s 3 and 2012 c 83 s 7 are each reenacted and amended to read as follows:

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

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic

safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) During the 2011-2013 and 2013-2015 fiscal ((~~biennium~~)) biennia, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 367, Laws of 2011 and section 201(4) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

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

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

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

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

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

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

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

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

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

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

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

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

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2011-2013 and 2013-2015 fiscal ((~~biennium~~)) biennia, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 367, Laws of 2011 and section 201(4) of this act.

(6) During the 2011-2013 and 2013-2015 fiscal ((~~biennium~~)) biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6) of this act.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

Sec. 712. RCW 46.20.745 and 2012 c 183 s 10 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the 2013-2015 fiscal biennium, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 713. RCW 46.68.370 and 2011 c 367 s 716 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal (~~biennium~~) biennia, the legislature may transfer from the license plate technology account to the highway safety account [fund] such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 714. RCW 47.12.244 and 2011 c 367 s 717 are each amended to read as follows:

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

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

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

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

During the (~~2009-2011 and~~) 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 715. RCW 47.12.340 and 2010 c 247 s 703 are each amended to read as follows:

The advanced environmental mitigation revolving account is created in the custody of the treasurer, into which the department shall deposit directly and may expend without appropriation:

(1) An initial appropriation included in the department of transportation's 1997-99 budget, and deposits from other identified sources;

(2) All moneys received by the department from internal and external sources for the purposes of conducting advanced environmental mitigation; and

(3) Interest gained from the management of the advanced environmental mitigation revolving account.

(4) During the (~~2009-2011 fiscal biennium~~) 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the advanced environmental mitigation revolving account to the motor vehicle account such amounts as reflect the excess fund balance of the advanced environmental mitigation revolving account.

Sec. 716. RCW 46.63.180 and 2011 c 375 s 2 are each amended to read as follows:

(1) School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with automated school bus safety cameras or functional automated safety cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) Automated school bus 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) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The law enforcement officer issuing the notice of infraction shall include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an automated school bus safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated school bus safety camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

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

(e) If a school district installs and operates an automated school bus safety camera under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. Further, any repair, replacement, or administrative work costs related to installing or repairing automated school bus safety cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the automated school bus safety cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201 of this act.

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

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

(ii) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

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

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

(3) For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

Sec. 717. RCW 46.68.060 and 2011 c 367 s 718 and 2011 c 298 s 26 are each reenacted and amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited

all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the ~~((2009-2011 and))~~ 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 718. RCW 82.70.020 and 2005 c 297 s 3 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ~~((2013))~~ 2014, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ~~((2013))~~ 2014, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per fiscal year. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 719. RCW 82.70.040 and 2005 c 297 s 5 are each amended to read as follows:

(1)(a)(i) The department shall keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department shall not allow any credits that would cause the total amount allowed to exceed two million seven hundred fifty thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(ii) During the 2013-2015 fiscal biennium, the department shall not allow any credits that would cause the total amount allowed to exceed one million five hundred thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department shall ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(b)(i) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. No credits deferred under this subsection (2)(b)(i) may be used after June 30, 2008. A person deferring tax credits under this subsection (2)(b)(i) must submit an application as provided in RCW 82.70.025 in the year in which the deferred tax credits will be used. This application is subject to the provisions of subsection (1) of this section for the year in which the tax credits will be applied. If a deferred credit is reduced under subsection (1)(b) of this section, the amount of deferred credit disallowed because of the reduction may be carried forward as long as the period of deferral does not exceed three years after the year in which the credit was earned.

(ii) For credits approved by the department after June 30, 2005, the approved credit may be carried forward to subsequent years until used. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person shall be approved for tax credits under RCW 82.70.020 in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, ~~((2013))~~ 2014.

(5) Credits may not be carried forward other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

Sec. 720. RCW 82.70.900 and 2003 c 364 s 8 are each amended to read as follows:

This chapter expires July 1, ~~((2013))~~ 2014, except for RCW 82.70.050, which expires January 1, ~~((2014))~~ 2015.

**2011-2013 FISCAL BIENNIUM
TRANSPORTATION AGENCIES—OPERATING**

Sec. 801. 2012 c 86 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION	
Highway Safety Account--State Appropriation.....	(\$2,983,000)
.....	\$2,982,000
Highway Safety Account--Federal Appropriation....	(\$42,507,000)
.....	\$35,497,000
Highway Safety Account--Private/Local Appropriation	\$50,000
School Zone Safety Account--State Appropriation	(\$3,340,000)
.....	\$2,340,000
TOTAL APPROPRIATION.....	(\$48,880,000)
.....	\$40,869,000

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))~~ 807 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))~~ \$15,000,000 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. 802. 2012 c 86 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD	
Rural Arterial Trust Account--State Appropriation.....	((915,000))
.....	\$907,000
Motor Vehicle Account--State Appropriation	(\$2,088,000)
.....	\$2,086,000
County Arterial Preservation Account--State	
Appropriation	(\$1,428,000)
.....	\$1,413,000
TOTAL APPROPRIATION.....	(\$4,431,000)
.....	\$4,406,000

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. 803. 2012 c 86 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD	
Transportation Improvement Account--State	
Appropriation.....	((3,625,000))
.....	\$3,611,000

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. 804. 2012 c 86 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	(\$3,028,000))
.....	\$2,930,000
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION	(\$3,140,000))
.....	\$3,042,000

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.

(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.

(4) \$775,000 of the motor vehicle account--state appropriation is provided solely to determine the feasibility of transitioning from the gas tax to a road user assessment system of paying for transportation.

(a) The transportation commission, with direction from the steering committee created in (b) of this subsection, must: Review relevant reports and data related to models of road user assessments and methods of transitioning to a road user assessment system; analyze the research to identify issues for policy decisions in Washington; make recommendations for the design of systemwide trials; develop a plan to assess public perspectives and educate the public on the current transportation funding system and options for a new system; and perform other tasks as deemed necessary by the steering committee.

(b) The transportation commission must convene a steering committee to provide direction to and guide the transportation commission's work. Membership of the steering committee must include, but is not limited to, members representing the following interests: The trucking industry; business; cities and counties; public transportation; environmental; user fee technology; auto and light truck manufacturers; and the motoring public. In addition, a member from each of the two largest caucuses of the senate, appointed by the president of the senate, and a member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, must serve on the steering committee.

(c) The transportation commission must update the governor and the legislature on this work by January 1, 2013. In addition,

this update must include a plan and budget request for work to be completed during the 2013-2015 fiscal biennium.

(5) \$160,000 of the motor vehicle account--state appropriation is provided solely for the transportation commission to establish a statewide transportation survey panel and conduct two surveys on transportation funding and policy issues during the 2011-2013 fiscal biennium. At a minimum, the results of the first survey must be submitted to the legislature by January 2013.

Sec. 805. 2012 c 86 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation	(\$781,000))
.....	\$805,000

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

(1) \$100,000 of the motor vehicle account--state appropriation is provided solely for an additional staff person for the freight mobility strategic investment board.

(2) 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.

(3) \$25,000 of the motor vehicle account--state appropriation is provided solely to supplement existing staff and resources for activities related to the development of a freight plan identified under the federal moving forward for progress in the 21st century (MAP-21) act of 2012.

Sec. 806. 2012 c 86 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Multimodal Transportation Account--State Appropriation	\$132,000
((Ignition Interlock Device Revolving Account--	
State Appropriation.....	\$212,000))
State Patrol Highway Account--State	
Appropriation	(\$350,605,000))
.....	\$348,619,000
State Patrol Highway Account--Federal	
Appropriation	\$10,903,000
State Patrol Highway Account--Private/Local	
Appropriation	(\$3,494,000))
.....	\$3,674,000
Highway Safety Account--State Appropriation.....	(\$432,000))
.....	\$5,984,000
TOTAL APPROPRIATION	(\$365,778,000))
.....	\$369,312,000

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

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

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 ~~((204))~~ 801(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))~~, chapter 86, Laws of 2012. 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) ~~(\$12,160,000))~~ \$12,244,000 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) ~~(\$7,672,000))~~ \$8,312,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) ~~(\$6,686,000))~~ \$6,806,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) ~~(\$1,724,000))~~ \$1,856,000 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) \$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) \$432,000 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) \$212,000 of the ~~((ignition interlock device revolving))~~ highway safety account--state appropriation is provided solely for two additional troopers to provide oversight of the ignition interlock industry. If chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 is enacted by June 30, 2012, the amount provided in this subsection lapses.

(15) \$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. 807. 2012 c 86 s 208 (unclassified) 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.....	(\$4,367,000))
.....	\$4,364,000
Wildlife Account--State Appropriation	(\$826,000))
.....	\$824,000
Highway Safety Account--State Appropriation.....	(\$148,666,000))
.....	\$146,578,000
Highway Safety Account--Federal Appropriation	\$4,299,000
Highway Safety Account--Private/Local Appropriation	\$200,000
Motor Vehicle Account--State Appropriation	(\$76,511,000))
.....	\$74,457,000
Motor Vehicle Account--Private/Local Appropriation.....	\$1,714,000
Motor Vehicle Account--Federal Appropriation	\$380,000
Department of Licensing Services Account--State	
Appropriation	\$6,095,000
Ignition Interlock Device Revolving Account--State	
Appropriation.....	\$1,971,000
TOTAL APPROPRIATION	(\$245,061,000))
.....	\$240,914,000

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

(1) \$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.

(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.

(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.

(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.

(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.

(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 (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.

(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.

(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.

(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)~~) \$1,500,000 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) \$99,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 2299), Laws of 2012 (special license plates). If chapter ... (Substitute House Bill No. 2299), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(13) \$174,000 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.

(14) \$289,000 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.

(15) \$397,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012 (civil traffic infractions). If chapter ... (Engrossed Substitute Senate Bill No. 6284), 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 policy changes in chapter ... (Engrossed Substitute Senate Bill No. 6284), Laws of 2012.

(16) \$222,000 of the motor vehicle account--state appropriation and \$36,000 of the highway safety account--state appropriation are 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.

(17) \$274,000 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.

(18) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless renewal notice for drivers' licenses and vehicle registrations. 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.

(19) Within existing resources, the department shall develop a plan to transition to a ten-year license plate replacement 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.

(20) Consistent with RCW 43.135.055 and 43.24.086, during the 2011-2013 fiscal biennium, the legislature authorizes the department to adjust the business and vehicle fees for the for hire licensing program in amounts sufficient to recover the costs of administering the for hire licensing program.

(21) The legislature intends to establish a veteran designation for drivers' licenses and identicards issued under chapter 46.20 RCW, as proposed under House Bill No. 2378, during the 2013 legislative session. The designation would serve to establish a person's service in the armed forces and be granted to a person who provides a United States department of defense discharge document, DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions." The department shall report to the transportation committees of the legislature by December 1,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

2012, with a plan to implement the designation. The plan must include the most cost-effective options for implementation, a proposed fee amount to cover the costs of the designation, and any other recommendations on the implementation of the designation.

(22) \$59,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2312), Laws of 2012 (military service award emblems). If chapter . . . (Substitute House Bill No. 2312), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(23) \$656,000 of the ignition interlock device revolving 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.

(24) \$134,000 of the highway safety account--state appropriation and \$134,000 of the motor vehicle account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2373), Laws of 2012 (state recreational resources). If chapter . . . (Engrossed Second Substitute House Bill No. 2373), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(25) \$3,082,000 of the highway safety account--state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

Sec. 808. 2012 c 86 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	(\$1,276,000)
.....	\$1,569,000
Motor Vehicle Account--State Appropriation	(\$538,000)
.....	\$537,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	(\$23,365,000)
.....	\$23,361,000
State Route Number 520 Corridor Account--State	
Appropriation	(\$27,295,000)
.....	\$27,120,000
State Route Number 520 Civil Penalties	
Account--State Appropriation	(\$3,622,000)
.....	\$2,564,000
TOTAL APPROPRIATION	(\$56,096,000)
.....	\$55,151,000

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) \$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)~~) \$15,238,000 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. 809. 2012 c 86 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C	
Motor Vehicle Account--State Appropriation	(\$67,398,000)
.....	\$65,667,000
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	(\$70,681,000)
.....	\$68,950,000

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 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.

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

Sec. 810. 2012 c 86 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	(\$25,466,000)
.....	\$25,440,000

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. 811. 2012 c 86 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F	
Aeronautics Account--State Appropriation	(\$6,002,000)
.....	\$5,999,000
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	(\$8,152,000)
.....	\$8,149,000

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. 812. 2012 c 86 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	(\$45,796,000)
.....	\$45,725,000
Motor Vehicle Account--Federal Appropriation.....	\$500,000
Multimodal Transportation Account--State Appropriation	\$250,000
TOTAL APPROPRIATION	(\$46,546,000)
.....	\$46,475,000

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

(1) \$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.

(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.

(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) 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 report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete.

Sec. 813. 2012 c 86 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K	
Motor Vehicle Account--State Appropriation	(\$827,000)
.....	\$826,000
Multimodal Transportation Account--State Appropriation	\$110,000
TOTAL APPROPRIATION	(\$937,000)
.....	\$936,000

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

(1)(a) \$225,000 of the motor vehicle account--state appropriation is provided solely to carry out work related to assessing the operational feasibility of a road user assessment, including technology, agency administration, multistate and federal standards, and other necessary elements. This work must be carried out under the guidance of the steering committee and in coordination with the transportation commission's policy assessment and public outreach planning authorized in section 205(4) ~~(of this act)~~ chapter 86, Laws of 2012.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

(b) If subsequent appropriations are provided, the department may conduct a limited scope pilot project to test the feasibility of a road user assessment system to be applied to electric vehicles. The pilot project must be carried out under the guidance of the steering committee described under section 205(4) ~~(of this act)~~ chapter 86, Laws of 2012 and in coordination with the transportation commission.

(2) 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.

(3) The public-private partnerships office must explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295, and if feasible, solicit proposals to implement a retail partnership pilot project at one park-and-ride facility by June 30, 2013.

Sec. 814. 2012 c 86 s 215 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--HIGHWAY			
MAINTENANCE--PROGRAM M			
Motor Vehicle Account--State Appropriation		(\$373,709,000)	
.....		\$376,259,000	
Motor Vehicle Account--Federal Appropriation		\$7,000,000	
Highway Safety Account--State Appropriation		\$3,500,000	
TOTAL APPROPRIATION		(\$380,709,000)	
.....		\$386,759,000	

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)~~ \$7,850,000 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) 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 costs and benefits of the systems by December 1, 2012.

Sec. 815. 2012 c 86 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC	
OPERATIONS--PROGRAM Q--OPERATING	
Motor Vehicle Account--State Appropriation	(\$48,818,000)
.....	\$48,741,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$250,000
TOTAL APPROPRIATION	(\$51,118,000)
.....	\$51,041,000

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 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$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. 816. 2012 c 86 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	(\$27,389,000)
.....	\$27,335,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	(\$28,392,000)
.....	\$28,338,000

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. 817. 2012 c 86 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	(\$22,304,000)
.....	\$22,245,000
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	(\$48,510,000)
.....	\$48,451,000

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:

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

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) \$190,000 of the motor vehicle account--state appropriation is provided solely for the regional transportation planning organizations across the state to implement the comprehensive transportation planning and data framework. The framework must provide regional transportation planning organizations with the ability to identify the spatial and temporal status of current and future high priority projects, and the next stage investment necessary to implement those projects. The framework must be accessible to the public and provide transparency and accountability to the regional transportation planning process.

(6) Within existing resources, the department shall work with the department of archaeology and historic preservation to develop a statewide policy regarding the curation of artifacts and the use of museums and information centers as potential mitigation under the national environmental policy act. This policy must address the following issues: How to minimize costs associated with information centers and museums; when to use existing facilities to preserve and display artifacts; how to minimize the time that stand-alone facilities are needed; and how to transfer artifacts and other items to facilities that are not owned or rented by the department. A report regarding this policy must be submitted to the joint transportation committee by September 1, 2012.

Sec. 818. 2012 c 86 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	(\$74,734,000)
.....	\$71,530,000
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account--State Appropriation	\$1,798,000
TOTAL APPROPRIATION	(\$76,932,000)
.....	\$73,728,000

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

(1) The department of enterprise services 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) TO THE SECRETARY OF STATE--ARCHIVES AND RECORDS MANAGEMENT	\$512,000
(b) TO THE OFFICE OF THE STATE AUDITOR--AUDITOR SERVICES	\$488,000
(c) TO THE OFFICE OF THE ATTORNEY GENERAL--ATTORNEY GENERAL SERVICES	\$7,127,000
(d) TO THE OFFICE OF FINANCIAL MANAGEMENT--LABOR RELATIONS SERVICES	\$266,000
(e) TO THE OFFICE OF FINANCIAL MANAGEMENT--OFFICE OF CHIEF INFORMATION OFFICER	\$473,000
(f) TO THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES	\$840,000

(g) TO CONSOLIDATED TECHNICAL SERVICES	\$182,000
(h) TO THE DEPARTMENT OF ENTERPRISE SERVICES--HUMAN RESOURCE MANAGEMENT SYSTEM	\$3,495,000
(i) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PRODUCTION SUPPORT	\$974,000
(j) TO THE DEPARTMENT OF ENTERPRISE SERVICES--REAL ESTATE SERVICES	\$108,000
(k) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PUBLICATIONS AND HISTORICAL SERVICES	\$691,000
(l) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAMPUS RENT	\$3,293,000
(m) TO THE DEPARTMENT OF ENTERPRISE SERVICES--CAPITAL PROJECT SURCHARGE	\$879,000
(n) TO THE DEPARTMENT OF ENTERPRISE SERVICES--PERSONAL SERVICE CONTRACTS	\$100,000
(o) TO THE DEPARTMENT OF ENTERPRISE SERVICES--SECURE FILE TRANSFER SERVICES	\$39,000
(p) TO THE DEPARTMENT OF ENTERPRISE SERVICES--ACCESS SERVICES	\$179,000
(q) TO THE DEPARTMENT OF ENTERPRISE SERVICES--RISK MANAGEMENT SERVICES	\$1,290,000
(r) TO THE DEPARTMENT OF ENTERPRISE SERVICES--INFORMATION TECHNOLOGY SERVICES	\$1,557,000

Sec. 819. 2012 c 86 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V	
Motor Vehicle Account--Federal Appropriation	\$160,000
State Vehicle Parking Account--State Appropriation	\$452,000
Regional Mobility Grant Program Account--State Appropriation (\$48,942,000)	\$38,331,000
Multimodal Transportation Account--State Appropriation	(\$42,939,000)
.....	\$42,930,000
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	(\$113,102,000)
.....	\$102,482,000

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 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 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)~~) \$6,453,000 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 (~~(2012-4)~~) 2013-2 ALL PROJECTS - Public Transportation - Program (V) as developed (~~(March 8, 2012)~~) April 23, 2013. 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 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)~~) \$31,878,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2012-4)~~) 2013-2 ALL PROJECTS - Public Transportation -Program (V) as developed (~~(March 8, 2012)~~) April 23, 2013. 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 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.

(10) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the continuation of state support for the Whatcom smart trips commute trip reduction program.

(11) \$818,000 of the multimodal transportation account--state appropriation is provided solely for state support of the Everett connector bus service.

(12) The department shall contact all transit agencies with a nonvoting member recommended by a labor organization and request information regarding the participation of board members, both voting and nonvoting, for all transit agency meetings in 2012 and the three previous calendar years. The department shall provide a report to the transportation committees of the legislature regarding the findings of this survey, which must include the transit agencies, if any, that refuse to respond either in whole or in part, by January 15, 2013.

(13) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county public transportation benefit area to comply with the requirements of RCW 81.104.110 regarding the formation of an expert review panel to provide an independent technical review of any plan that relies on any voter-approved local funding options.

(14) \$100,000 of the multimodal transportation account--state appropriation is provided solely for community transit to conduct a federally mandated alternatives analysis study to allow a second

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

swift line to be funded through the federal transit administration's new starts or small starts process.

(15) \$160,000 of the motor vehicle account--federal appropriation is provided solely for King county metro to study demand potential for a state route number 18 and Interstate 90 park-and-ride location, to size the facilities appropriately, to perform site analysis, and to develop preliminary design concepts.

Sec. 820. 2012 c 86 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X Puget Sound Ferry Operations Account--State		Appropriation	(((\$468,135,000)) \$465,085,000
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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.

(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.

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

(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.

(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.

(7) (((\$136,648,000)) \$127,748,000 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.

(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.

(9) The Washington state ferries shall participate in the facilities plan included in section 604 ((of this act), chapter 367, Laws of 2011 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.

(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.

(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 (5) ((of this act), chapter 86, Laws of 2012 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.

(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.

(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.

Sec. 821. 2012 c 86 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING Multimodal Transportation Account--State		Appropriation	(((\$33,642,000)) \$33,639,000
Multimodal Transportation Account--Federal		Appropriation	\$400,000
TOTAL APPROPRIATION		(((\$34,042,000)) \$34,039,000	

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

(1) \$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.

(5) \$300,000 of the multimodal transportation account--state appropriation is provided solely for the department to conduct a study to examine the interconnectivity benefits of, and potential for, a future Amtrak Cascades stop in the vicinity of the city of Auburn. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route.

Sec. 822. 2012 c 86 s 223 (uncodified) is amended to read as follows:

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

Motor Vehicle Account--State Appropriation	(\$8,518,000)
.....	\$8,505,000
Motor Vehicle Account--Federal Appropriation	\$2,567,000
TOTAL APPROPRIATION	(\$11,085,000)
.....	\$11,072,000

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. 901. 2012 c 86 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 ...	(\$62,510,000)
.....	\$61,470,000
Highway Safety Account--State Appropriation.....	\$3,500,000
County Arterial Preservation Account--State	
Appropriation.....	\$29,360,000
TOTAL APPROPRIATION	(\$92,744,000)
.....	\$95,204,000

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) ~~(\$62,510,000)~~ \$61,470,000 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. 902. 2012 c 86 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State	
Appropriation	\$5,270,000
Transportation Improvement Account--State	
Appropriation	(\$237,545,000)
.....	\$213,152,000
Highway Safety Account--State Appropriation.....	\$3,500,000
TOTAL APPROPRIATION	(\$242,815,000)
.....	\$221,922,000

(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. 903. 2012 c 86 s 305 (uncodified) is amended to read as follows:

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

Transportation Partnership Account--State	
Appropriation	(\$1,636,316,000)
.....	\$1,149,062,000
Motor Vehicle Account--State Appropriation	(\$103,889,000)
.....	\$63,790,000
Motor Vehicle Account--Federal Appropriation	(\$790,703,000)
.....	\$806,907,000
Motor Vehicle Account--Private/Local	
Appropriation	(\$124,917,000)
.....	\$84,830,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$416,125,000)
.....	\$346,873,000
State Route Number 520 Corridor Account--State	
Appropriation	(\$1,752,138,000)
.....	\$995,741,000
(Special Category C Account--State Appropriation.....	\$124,000)
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$5,791,000))
State Route Number 520 Corridor Account--Federal	
Appropriation	\$300,000,000
Multimodal Transportation Account--State Appropriation	\$303,000
TOTAL APPROPRIATION	(\$4,830,003,000)
.....	\$3,747,506,000

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 ~~((2012-2))~~ 2013-1 as developed ~~((March 8, 2012))~~ April 23, 2013, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

those amounts listed subject to the conditions and limitations in section 603, chapter . . . , Laws of 2013 (section 603 of this act).

(2) 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.

(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.

(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.

(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.

(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 other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(7) (~~(\$561,000)~~) \$665,000 of the transportation partnership account--state appropriation and (~~(\$1,176,000)~~) \$954,000 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).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to (~~(\$339,608,000)~~) \$308,996,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to (~~(\$972,392,000)~~) \$734,097,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The motor vehicle account--state appropriation includes up to (~~(\$55,870,000)~~) \$5,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The state route number 520 corridor account--state appropriation includes up to (~~(\$1,779,000,000)~~) \$990,801,000 and the state route number 520 corridor account--federal appropriation includes up to \$300,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879. Of the amounts appropriated in this subsection, \$300,000,000 of the state route number 520 corridor account--federal appropriation must be put into unallotted status and

is subject to review by the office of financial management. The director of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(12) (~~(\$767,000)~~) \$692,000 of the motor vehicle account--state appropriation and (~~(\$3,736,000)~~) \$3,002,000 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.

(13) (~~(\$820,000)~~) \$819,900 of the motor vehicle account--federal appropriation, (~~(\$16,308,000)~~) \$6,226,000 of the motor vehicle account--private/local appropriation, and (~~(\$48,000)~~) \$344,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

(14) \$1,025,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

(15) (~~(\$372,000)~~) \$360,000 of the motor vehicle account--federal appropriation and (~~(\$9,000)~~) \$49,000 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).

(16) (~~(\$202,863,000)~~) \$102,588,000 of the transportation partnership account--state appropriation (~~and \$51,138,000~~), \$43,847,000 of the transportation 2003 account (nickel account)--state appropriation, \$12,000 of the motor vehicle account--federal appropriation, and \$68,000 of the motor vehicle account--private/local 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~~), chapter 367, Laws of 2011. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

(17)(a) \$7,423,000 of the transportation partnership account--state appropriation and (~~(\$54,461,000)~~) \$50,332,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). (~~Of the amounts appropriated in this subsection, \$15,000,000 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 only be allotted once the state of Oregon's total contribution of shared expenses on the project are within five million dollars of the state of Washington's shared expenses.~~)

(b) It is the intent of the legislature that Washington and Oregon have equal funding commitments and equal total expenditures to date on the shared components of the Columbia river crossing project. The department shall provide a quarterly report on this project beginning March 31, 2012. This report must include:

(i) An update on preliminary engineering and right-of-way acquisition for the previous quarter;

(ii) Planned objectives for right-of-way and preliminary engineering for the ensuing quarter;

(iii) An updated comparison of the total appropriation authority for the project by state;

(iv) An updated comparison of the total expenditures to date on the project by state; and

(v) The committed funding provided by the state of Oregon to right-of-way acquisition.

(c) \$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.

(d) 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.

(e) 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(7) (~~of this act~~), chapter 86, Laws of 2012, 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.

(18) Within the amounts provided for the Columbia river crossing project (400506A), the department shall conduct a traffic and revenue analysis for the Columbia river crossing project that will lay the foundation for investment grade traffic and revenue analysis. While conducting the analysis, the department must coordinate with the Oregon department of transportation, the Washington state transportation commission, (~~and the Washington state legislative oversight committee~~) the Washington state treasurer's office, and the Oregon state treasurer's office.

(a) The department's analysis must include the assessment and review of the following variables within the project:

(i) Exemptions from tolls for vehicles with two or more occupants;

(ii) A variable toll where the tolls vary by time of day and day of the week; and

(iii) A frequency-based toll rate for the facility.

(b) The analysis must also assess the following:

(i) The impact that light rail service in the corridor will have on estimated toll revenues;

(ii) The level of diversion from the Interstate 5 corridor and the impact on estimated toll revenues; and

(iii) The estimated toll revenues from vehicle trips originating within the region and outside the region by vehicle type.

(c) The department must submit a report of findings to the transportation committees of the legislature by July 1, 2013.

(19) (~~(\$309,000)~~) \$91,000 of the motor vehicle account--federal appropriation and (~~(\$78,000)~~) \$24,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

(20) (~~(\$3,385,000)~~) \$980,000 of the motor vehicle account--federal appropriation and (~~(\$50,000)~~) \$51,000 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).

(21) (~~(\$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.

(22) ~~(\$391,000)~~ \$226,000 of the motor vehicle account--federal appropriation and (~~(\$16,000)~~) \$19,000 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)~~ ~~(\$621,000)~~) (22) \$663,000 of the motor vehicle account--federal appropriation (~~(*)~~) and \$12,000 of the motor vehicle account--state appropriation are provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

(~~(24)~~ ~~(\$32,162,000)~~) (23) \$15,746,000 of the transportation partnership account--state appropriation (~~(*)~~) and \$122,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

(~~(25)~~ ~~(\$1,227,000)~~) (24) \$705,000 of the motor vehicle account--federal appropriation and (~~(\$38,000)~~) \$165,000 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)~~ ~~(\$1,500,000)~~) (25) \$3,000,000 of the motor vehicle account--federal appropriation (~~(*)~~) and \$120,000 of the motor vehicle account--state appropriation are provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The department shall undertake a comprehensive environmental review of tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for construction of the unfunded state route number 520 from Interstate 5 to Medina project. The environmental review must include significant outreach to potentially affected communities. The department may consider traffic management options that extend as far east as Issaquah.

(~~(27)~~) (26) \$12,149,000 of the motor vehicle account--federal appropriation (~~(*)~~), \$362,000 of the motor vehicle account--state appropriation, and \$50,000 of the motor vehicle account--private/local 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. Project funds may not be used to build or improve buildings until the plan described in section 604 (~~of this act~~), chapter 367, Laws of 2011 is complete.

(~~(29)~~ ~~(\$657,000)~~) (28) \$637,000 of the motor vehicle account--federal appropriation (~~(*)~~) and \$15,000 of the motor vehicle account--state appropriation are 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

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

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))~~ \$42,000 of the motor vehicle account--state appropriation and ~~((980,000))~~ \$958,000 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) ~~((137,022,000))~~ \$70,663,000 of the transportation partnership account--state appropriation and ~~((50,623,000))~~ \$38,613,000 of the transportation 2003 account (nickel account)--state 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.

(d)) Within the amounts provided for this project, funding is provided solely for tolling equipment, such as gantries, barriers, or cameras, on Interstate 405, consistent with chapter 369, Laws of 2011. The department shall place amounts for tolling equipment into unallotted status until the traffic and revenue analysis required in RCW 47.56.886 is submitted to the governor and the legislature.

Once the report has been submitted, the office of financial management may approve the allotment of funds for tolling equipment only after consultation with the joint transportation committee.

~~((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).

(34) \$3,392,000 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 (140504C).

(35) ~~((224,592,000))~~ \$52,078,000 of the transportation partnership account--state appropriation ~~((and \$898,286,000))~~, \$902,101,000 of the state route number 520 corridor account--state appropriation, \$17,155,000 of the motor vehicle account--federal appropriation, and \$1,303,000 of the motor vehicle account--private/local 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) \$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).

(37) \$300,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 523 Corridor study (L1000059).

(38) 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) 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.

(40) 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.

(41) Construction of a new traffic management center may not commence until the budget evaluation study in section 102(1) ~~((of this act))~~, chapter 86, Laws of 2012 is complete and the office of financial management has determined that a new traffic management center is the preferred option and has approved this project.

(42) The department shall itemize all future requests for the construction of new buildings on a project list. Each building construction project must be listed in the project list along with all other highway construction projects and submitted by the department as part of its budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(43) ~~((250,000))~~ \$240,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$10,000 of the motor vehicle account--state appropriation are provided solely for planning a proposed off-ramp eastbound from state route number 518 to Des Moines Memorial Drive in Burien (L1100045).

(44) ~~((1,100,000))~~ \$425,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$18,000 of the motor vehicle account--state appropriation are provided solely for preliminary engineering on the I-5/Marvin Road Interchange study (L2200087).

(45) (~~(\$400,000)~~) \$389,000 of the motor vehicle account--federal appropriation ((~~is~~)) and \$22,000 of the motor vehicle account--state appropriation are provided solely for the SR 150/No-See-Um Road Intersection - Realignment project (L2200092).

(46) \$750,000 of the motor vehicle account--federal appropriation ((~~is~~)) and \$31,000 of the motor vehicle account--state appropriation are provided solely for (~~preliminary engineering on~~) the SR 305/Suquamish Way Intersection Improvements project (L2200093).

(47) (~~(\$700,000)~~) \$658,000 of the motor vehicle account--federal appropriation ((~~is~~)) and \$16,000 of the motor vehicle account--state appropriation are provided solely for the US 395/Lind Road Intersection project (L2200086).

(48) \$7,398,000 of the motor vehicle account--state appropriation is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013. 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 provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the department's business plan for staffing in the highway construction program in the current and next fiscal biennium.

Sec. 904. 2012 c 86 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P Transportation Partnership Account--State	
Appropriation	(\$44,463,000)
Motor Vehicle Account--State Appropriation	\$23,488,000
Motor Vehicle Account--Federal Appropriation	\$78,112,000
Motor Vehicle Account--Private/Local Appropriation	(\$540,306,000)
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$18,892,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$259,000
Highway Safety Account--State Appropriation	\$23,000
Highway Safety Account--State Appropriation	\$3,500,000
TOTAL APPROPRIATION	(\$691,877,000)
	\$593,877,000

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 ((2012-2)) 2013-1 as developed ((~~March 8, 2012~~)) April 23, 2013, 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, chapter . . . , Laws of 2013 (section 603 of this act).

(2) 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.

(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) 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.

(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.

(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.

((~~(7) \$789,000~~)) (6) \$739,000 of the motor vehicle account--federal appropriation and ((~~\$6,000~~)) \$56,000 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).

((~~(8) \$10,843,000~~)) (7) \$9,096,000 of the motor vehicle account--federal appropriation, ((~~\$1,992,000~~)) \$1,794,000 of the motor vehicle account--private/local appropriation, and ((~~\$390,000~~)) \$340,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replace Boat project (602110J).

((~~(9) \$165,000~~)) (8) \$227,000 of the motor vehicle account--federal appropriation ((~~is~~)) and \$13,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Ritzville to Tokio -Paving of Outside Lanes project (609041G).

((~~(10) \$5,565,000~~)) (9) \$1,566,000 of the motor vehicle account--federal appropriation and ((~~\$232,000~~)) \$124,000 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.

((~~(11) \$507,000~~)) (10) \$649,000 of the motor vehicle account--federal appropriation and ((~~\$13,000~~)) \$15,000 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. 905. 2012 c 86 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL	
Motor Vehicle Account--State Appropriation	(\$8,779,000)
Motor Vehicle Account--Federal Appropriation	\$8,801,000
Motor Vehicle Account--Federal Appropriation	(\$7,283,000)
Motor Vehicle Account--Federal Appropriation	\$7,184,000
TOTAL APPROPRIATION	(\$16,062,000)
	\$15,985,000

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations: ~~(\$1,000,000)~~ \$371,000 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. 906. 2012 c 86 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	(\$61,965,000)
.....	\$62,332,000
Puget Sound Capital Construction Account--Federal	
Appropriation	(\$61,736,000)
.....	\$56,634,000
Puget Sound Capital Construction Account--Private/Local	
Appropriation	(\$200,000)
.....	\$356,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$119,928,000)
.....	\$113,720,000
Transportation Partnership Account--State	
Appropriation	(\$12,838,000)
.....	\$12,892,000
Multimodal Transportation Account--State	
Appropriation	\$27,527,000
TOTAL APPROPRIATION	(\$284,194,000)
.....	\$273,461,000

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

(1) 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 (~~2012-1~~) 2013-2 ALL PROJECTS as developed (~~March 8, 2012~~) April 23, 2013, 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 \$27,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

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

(5) ~~(\$17,970,000)~~ \$17,370,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the acquisition of new Kwa-di-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

(6) \$25,404,000 of the multimodal transportation account--state appropriation, \$1,000,000 of the Puget Sound capital construction account--federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and ~~(\$85,924,000)~~ \$54,616,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of one 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.

(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.

(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.

(9) ~~(\$3,900,000)~~ \$6,000,000 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.

(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) \$1,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for security and operational planning as a first step in introducing liquid natural gas (LNG) to the Washington ferry fleet, including the issuance of a request for proposals (RFP). \$750,000 is provided 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 LNG as a propulsion fuel in the ferry fleet, and to begin public outreach efforts. \$250,000 is provided solely to issue an RFP for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by LNG. The successful bidder must be awarded the \$250,000 appropriation and 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 LNG as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to LNG, perform all conversion work, and supply dependable and suitable quantities of LNG. The RFP must include incentives for proposals that include alternative financing arrangements, such as a delayed payment plan based on fuel savings. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet to LNG under this subsection must be given bidding preferences in any future LNG-related ferry proposals or projects. The RFP referenced in this subsection must be issued by the department by August 1, 2012. The department must provide a report to the joint transportation committee on the development of the RFP in July 2012 and an update report again in September 2012.

(12) ~~(\$500,000)~~ \$1,200,000 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 not precluded by any future modifications at the terminal.

(14) The appropriation in this section includes up to \$47,759,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

Sec. 907. 2012 c 86 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL	
Essential Rail Assistance Account--State	
Appropriation	\$1,565,000
Transportation Infrastructure Account--State	
Appropriation	(\$5,693,000)
.....	\$5,018,000
Multimodal Transportation Account--State	
Appropriation	(\$58,220,000)
.....	\$31,124,000
Multimodal Transportation Account--Federal	
Appropriation	(\$236,597,000)
.....	\$110,725,000
Multimodal Transportation Account--Private/Local	
Appropriation	(\$1,010,000)
.....	\$1,096,000
TOTAL APPROPRIATION	(\$303,085,000)
.....	\$149,528,000

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 (~~(2012-4)~~) 2013-2 ALL PROJECTS as developed (~~(March 8, 2012)~~) April 23, 2013, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, (~~(\$4,757,000)~~) \$4,507,000 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, (~~(\$2,047,000)~~) \$1,754,000 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) 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, 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 multimodal transportation account--state appropriation includes up to \$12,103,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(6) 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.

(7) (~~(\$218,341,000)~~) \$103,992,000 of the multimodal transportation account--federal appropriation and (~~(\$3,639,000)~~) \$1,815,000 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.

(8) \$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.

(9) 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.

(10) 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

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

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.

(11) \$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.

(12) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the Clark county chelatchie prairie rail road (project L2200085).

Sec. 908. 2012 c 86 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	(((\$4,179,000))
.....	\$2,511,000
Motor Vehicle Account--Federal Appropriation.....	(((\$37,935,000))
.....	\$19,759,000
Highway Safety Account--State Appropriation.....	\$752,000
Freight Mobility Investment Account--State	
Appropriation.....	(((\$11,278,000))
.....	\$5,044,000
Transportation Partnership Account--State	
Appropriation.....	(((\$7,181,000))
.....	\$3,967,000
Freight Mobility Multimodal Account--State	
Appropriation.....	(((\$15,668,000))
.....	\$11,868,000
Freight Mobility Multimodal Account--Local	
Appropriation.....	(((\$2,834,000))
.....	\$960,000
Multimodal Transportation Account--State	
Appropriation.....	(((\$22,575,000))
.....	\$15,413,000
Passenger Ferry Account--State Appropriation	\$1,115,000
TOTAL APPROPRIATION	(((\$104,574,000))
.....	\$61,389,000

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

(1) \$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.

(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.

(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.

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

(5) ~~(((\$14,813,000))~~ \$10,654,000 of the multimodal transportation account--state appropriation, ~~(((\$12,804,000))~~ \$9,554,000 of the motor vehicle account--federal appropriation, ~~((and \$6,241,000))~~ \$3,417,000 of the transportation partnership account--state appropriation, and \$202,000 of the highway safety 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.

(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 ~~((2012-4))~~ 2013-2 ALL PROJECTS as developed ~~((March 8, 2012))~~ April 23, 2013, Program - Local Programs (Z).

(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 and may also advance projects in future biennia, as identified in LEAP Transportation Document ~~((2012-4))~~ 2013-2 ALL PROJECTS as developed ~~((March 8, 2012))~~ April 23, 2013, into the current biennium in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(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.

(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))~~ \$50,000 of the motor vehicle account--state appropriation and ~~(((\$2,859,000))~~ \$50,000 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.

(11) Up to ~~(\$3,702,000)~~ \$2,680,000 of the motor vehicle account--federal appropriation and ~~(\$75,000)~~ \$55,000 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.

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

(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).

(14) ~~(\$896,000)~~ \$293,000 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).

(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 (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.

(16) \$500,000) \$30,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~(\$2,000,000)~~ (16) \$850,000 of the multimodal transportation account--state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~(\$18)~~ (17) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~(\$49)~~ (18) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~(\$20)~~ (19) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~(\$24)~~ (20) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~(\$22)~~ (21) \$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.

~~(\$1,750,000)~~ (22) \$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).

~~(\$24)~~ (23) The department shall implement a call for projects eligible for the bicycle and pedestrian grant program similar to the call for projects conducted in 2010, although the department may adjust the criteria to include mobility and connectivity. The department shall include a list of prioritized bicycle and pedestrian grant projects for approval in the 2013-2015 biennial transportation budget.

~~(\$25)~~ (24) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the design of a stand-alone ADA accessible bicycle/pedestrian bridge across the Sultan river in the city of Sultan (L1100044).

~~(\$26)~~ \$445,000) (25) \$30,000 of the motor vehicle account--federal appropriation is provided solely for pedestrian lighting on the main span of the Chehalis river bridge in Aberdeen (L1100046).

~~(\$27)~~ \$500,000) (26) \$80,000 of the motor vehicle account--federal appropriation is provided solely for resurfacing Alder Avenue in the city of Sultan (L1100047).

~~(\$28)~~ \$800,000) (27) \$550,000 of the motor vehicle account--federal appropriation is provided solely for rights-of-way acquisition on state route number 516 from Jenkins creek to 185th (L2000017).

((29) \$1,100,000 of the motor vehicle account--federal appropriation is provided solely for traffic analysis, right-of-way, and design work on the 31st Avenue Southwest overpass on Puyallup's South Hill (L1100048).

(30) \$2,000,000) (28) \$250,000 of the motor vehicle account--federal appropriation is provided solely for environmental documentation and preliminary engineering for the Scott Avenue Reconnection Project in the city of Woodland (L1100049).

((31) \$350,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering and rights-of-way on the Slater Road Bridge project (L2200089).

(32) \$380,000) (29) \$40,000 of the motor vehicle account--federal appropriation is provided solely for rehabilitation work for 156th/160th Avenue in the city of Covington (L2200088).

~~(\$33)~~ (30) \$380,000 of the motor vehicle account--federal appropriation is provided solely for improvements to Penney Avenue in the town of Naches (L2200090).

~~(\$34)~~ (31) \$450,000 of the motor vehicle account--federal appropriation is provided solely for preliminary engineering on NW Friberg Street and Goodwin Road in the city of Camas (L2200091).

IMPLEMENTING PROVISIONS

Sec. 1001. 2011 c 367 s 601 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The ~~(following agencies)~~ agency listed in subsection (2) of this section may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) ((State agencies)) The Washington state patrol may enter into agreements with the department of ((general administration)) enterprise services and the state treasurer's office to develop requests to the legislature for the acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. The Washington state patrol may:

(a) (Department of transportation: Enter into a financing contract for up to \$10,824,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system that is integrated with the state's accounting and human resource management systems.

(b) Department of licensing: Enter into a financing contract for up to \$7,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a prorated and fuel tax system.

(c) Washington state patrol: (i)) Enter into a financing contract for up to \$8,241,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install mobile office platforms in state patrol and pursuit vehicles.

((ii)) (b) Enter into a financing contract for up to (((\$40,100,000)) \$39,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase equipment and engineering services to convert to a narrowband digital system.

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2012 c 86 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.....(((\$879,501,000))
\$862,130,000
Ferry Bond Retirement Account--State
Appropriation.....(((\$31,801,000))
\$31,807,000
State Route Number 520 Corridor Account--State
Appropriation.....(((\$3,818,000))
\$4,766,000
Transportation Improvement Board Bond Retirement
Account--State Appropriation.....(((\$16,482,000))
\$17,174,000
Nondebt-Limit Reimbursable Account Appropriation.....
(((\$22,476,000))
\$21,877,000
Transportation Partnership Account--State
Appropriation.....(((\$3,654,000))
\$2,570,000
Motor Vehicle Account--State Appropriation.....(((\$382,000))
\$270,000
Transportation 2003 Account (Nickel Account)--State
Appropriation.....(((\$1,305,000))
\$1,411,000
((Transportation Improvement Account--State
Appropriation..... \$29,000))
Multimodal Transportation Account--State

Appropriation..... (((\$158,000))
\$181,000
Toll Facility Bond Retirement Account--State
Appropriation.....(((\$48,807,000))
\$41,279,000
Toll Facility Bond Retirement Account--Federal
Appropriation.....(((\$7,500,000))
\$18,283,000
TOTAL APPROPRIATION.....(((\$1,015,913,000))
\$1,001,748,000

Sec. 1102. 2012 c 86 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.....(((\$960,000))
\$1,826,000
Transportation Partnership Account--State
Appropriation.....(((\$587,000))
\$352,000
Motor Vehicle Account--State Appropriation.....(((\$58,000))
\$28,000
Transportation 2003 Account (Nickel Account)--State
Appropriation.....(((\$255,000))
\$152,000
((Transportation Improvement Account--State Appropriation.....
\$5,000))
Multimodal Transportation Account--State
Appropriation.....(((\$23,000))
\$14,000
TOTAL APPROPRIATION.....(((\$1,888,000))
\$2,372,000

Sec. 1103. 2012 c 86 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.....(((\$470,701,000))
\$465,681,000

Sec. 1104. 2012 c 86 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.....(((\$1,227,005,000))
\$1,213,253,000

Sec. 1105. 2012 c 86 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.....(((\$151,870,000))
\$147,557,000

Sec. 1106. 2012 c 86 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations
Account--State \$45,500,000
(2) Recreational Vehicle Account--State
Appropriation: For transfer to the Motor Vehicle
Account--State \$1,150,000

(3) License Plate Technology Account--State
Appropriation: For transfer to the Highway Safety
Account--State\$3,000,000

(4) Multimodal Transportation Account--State
Appropriation: For transfer to the Puget Sound
Ferry Operations Account--State\$42,000,000

(5) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State\$23,000,000

(6) Advanced Right-of-Way Revolving Fund: For
transfer to the Motor Vehicle Account--State.....\$5,000,000

(7) Rural Mobility Grant Program Account--State
Appropriation: For transfer to the Multimodal
Transportation Account--State.....\$3,000,000

(8) Motor Vehicle Account--State
Appropriation: For transfer to the State Patrol
Highway Account--State.....\$16,000,000

(9) State Route Number 520 Corridor
Account--State Appropriation: For transfer to the
Motor Vehicle Account--State.....\$58,000

(10) Motor Vehicle Account--State
Appropriation: For transfer to the Special Category C
Account--State\$2,500,000

(11) Regional Mobility Grant Program
Account--State Appropriation: For transfer to the
Multimodal Transportation Account--State.....\$1,000,000

(12) State Patrol Highway Account--State
Appropriation: For transfer to the Vehicle
Licensing Fraud Account--State.....\$100,000

(13) Capital Vessel Replacement Account--State
Appropriation: For transfer to the Transportation 2003
Account (Nickel Account)--State(~~\$6,367,000~~)
.....\$6,221,000

(14) The transfers identified in this section are subject to the
following conditions and limitations:

- (a) 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.

CONDITIONALLY ADDITIVE APPROPRIATIONS

Sec. 1201. 2012 c 86 s 701 (uncodified) is amended to read as follows:

It is the intent of the legislature that the appropriations in (~~sections 702 through 713 of this act be~~) chapter 86, Laws of 2012 that were supported by the legislative changes in chapter 80, Laws of 2012 and chapter 74, Laws of 2012 were an initial commitment to the programs and activities funded and that the commitment continue through the 2013-2015 fiscal biennium. To that end, it is the intent of the legislature that the spending plan for the 2013-2015 fiscal biennium reflect the programmatic areas and amounts described in LEAP Transportation Document 2012-4, as developed March 8, 2012, except for the amounts for "WSDOT Preliminary Design/Rights-of-Way," which are superseded for the 2013-2015 fiscal biennium by the amounts provided in section 306(15) of this act for the projects identified in LEAP Transportation Document 2013-3 as developed April 23, 2013.

MISCELLANEOUS 2011-2013 FISCAL BIENNIUM

NEW SECTION. Sec. 1301. The appropriations to the department of transportation in chapter 86, Laws of 2012 and this act must be expended for the programs and in the amounts specified

in this act. However, after May 1, 2013, unless specifically prohibited, the department may transfer state appropriations for the 2011-2013 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

NEW SECTION. Sec. 1302. The following acts or parts of acts are each repealed:

- (1) 2012 c 86 s 702 (uncodified);
- (2) 2012 c 86 s 703 (uncodified);
- (3) 2012 c 86 s 704 (uncodified);
- (4) 2012 c 86 s 705 (uncodified);
- (5) 2012 c 86 s 706 (uncodified);
- (6) 2012 c 86 s 707 (uncodified);
- (7) 2012 c 86 s 709 (uncodified);
- (8) 2012 c 86 s 710 (uncodified);
- (9) 2012 c 86 s 711 (uncodified);
- (10) 2012 c 86 s 712 (uncodified);
- (11) 2012 c 86 s 713 (uncodified);
- (12) 2012 c 86 s 714 (uncodified);
- (13) 2012 c 86 s 715 (uncodified); and
- (14) 2012 c 86 s 716 (uncodified).

MISCELLANEOUS

NEW SECTION. Sec. 1401. 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. 1402. Except for sections 702 and 709 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.

NEW SECTION. Sec. 1403. Section 702 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013.

NEW SECTION. Sec. 1404. Section 709 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2013, unless chapter . . . (Substitute House Bill No. 1745), Laws of 2013 is enacted on or before June 30, 2013, in which case section 709 of this act does not take effect.

(End of Bill)

INDEX	PAGE #
ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS	75, 166
ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM	54
COLLECTIVE BARGAINING AGREEMENTS	61

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED61

COLLECTIVE BARGAINING AGREEMENTS

PTE LOCAL 1765

WSP LIEUTENANTS ASSOCIATION65

WSP TROOPERS ASSOCIATION65

COMPENSATION

NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS67

NONREPRESENTED EMPLOYEES--SALARIES AND WAGES68

..REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION

INSURANCE BENEFITS67

REPRESENTED EMPLOYEES--SUPER COALITION

INSURANCE BENEFITS66

REVISE PENSION CONTRIBUTION RATES78

COUNTY ROAD ADMINISTRATION BOARD .7, 37, 102, 137

DEPARTMENT OF AGRICULTURE3

DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION2

DEPARTMENT OF ENTERPRISE SERVICES3

DEPARTMENT OF FISH AND WILDLIFE5

DEPARTMENT OF LICENSING13, 108

TRANSFERS58, 169

DEPARTMENT OF TRANSPORTATION76, 77, 79

DEPARTMENT OF TRANSPORTATION MARINE DIVISION

COLLECTIVE BARGAINING AGREEMENTS

CARPENTERS63

FASPAA62

IBU65

MEBA-L63

MEBA-UL63

METAL TRADES63

MM&P MASTERS64

MM&P MATES64

MM&P WATCH SUPERVISORS64

OPEIU62

SEIU LOCAL 662

DEPARTMENT OF TRANSPORTATION

AVIATION--PROGRAM F20, 117

CHARGES FROM OTHER AGENCIES--PROGRAM U 29, 127

ECONOMIC PARTNERSHIPS--PROGRAM K23, 119

FACILITIES--PROGRAM D--CAPITAL38

FACILITIES--PROGRAM D--OPERATING20, 116

HIGHWAY MAINTENANCE--PROGRAM M23, 120

IMPROVEMENTS--PROGRAM I39, 139

INFORMATION TECHNOLOGY--PROGRAM C20, 116

LOCAL PROGRAMS--PROGRAM Z--CAPITAL52, 160

LOCAL PROGRAMS--PROGRAM Z--OPERATING35, 137

MARINE--PROGRAM X33, 133

PRESERVATION--PROGRAM P46, 150

PROGRAM DELIVERY MANAGEMENT

AND SUPPORT--PROGRAM H21, 117

PUBLIC TRANSPORTATION--PROGRAM V29, 128

RAIL--PROGRAM Y--OPERATING34, 136

RAIL--PROGRAM Y--CAPITAL50, 156

TOLL OPERATIONS AND MAINTENANCE--PROGRAM B16, 114

TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL48, 152

TRAFFIC OPERATIONS--PROGRAM Q--OPERATING 24, 121

..... TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S27, 125

. TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T28, 125

WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W48, 153

FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES57

FOR THE DEPARTMENT OF TRANSPORTATION74

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD11, 36, 104

FUND TRANSFERS74

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE 3

JOINT TRANSPORTATION COMMITTEE7

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE3

OFFICE OF FINANCIAL MANAGEMENT2

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM55

STAFFING LEVELS73

STATE PARKS AND RECREATION COMMISSION3

STATE TREASURER

ADMINISTRATIVE TRANSFERS58, 169

BOND RETIREMENT AND INTEREST57, 58, 167, 168

STATE REVENUES FOR DISTRIBUTION58, 169

TRANSFERS58, 169

STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES60

STATUTORY APPROPRIATIONS61

TRANSPORTATION COMMISSION9, 103

TRANSPORTATION IMPROVEMENT BOARD 7, 37, 102, 138

UTILITIES AND TRANSPORTATION COMMISSION2

VOLUNTARY RETIREMENT AND SEPARATION INCENTIVES78

WASHINGTON STATE PATROL11, 36, 105

WASHINGTON TRAFFIC SAFETY COMMISSION6, 100

WEB SITE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION79"

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024.
Senators Eide, King and Benton spoke in favor of the motion.
Senator Ericksen spoke against the motion.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5024 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the

House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Ericksen

Excused: Senators Carrell and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Smith moved that Robyn Todd, Gubernatorial Appointment No. 9189, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Smith spoke in favor of the motion.

APPOINTMENT OF ROBYN TODD

The President declared the question before the Senate to be the confirmation of Robyn Todd, Gubernatorial Appointment No. 9189, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Robyn Todd, Gubernatorial Appointment No. 9189, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Robyn Todd, Gubernatorial Appointment No. 9189, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Joe Tortorelli, Gubernatorial Appointment No. 9190, be confirmed as a member of the Transportation Commission.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF JOE TORTORELLI

The President declared the question before the Senate to be the confirmation of Joe Tortorelli, Gubernatorial Appointment No. 9190, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Joe Tortorelli, Gubernatorial Appointment No. 9190, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Joe Tortorelli, Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that June Canty, Gubernatorial Appointment No. 9085, be confirmed as a member of the Professional Educator Standards Board.

Senator Dammeier spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Billig, Fraser, Frockt, Hargrove, Harper, Murray and Nelson were excused.

APPOINTMENT OF JUNE CANTY

The President declared the question before the Senate to be the confirmation of June Canty, Gubernatorial Appointment No. 9085, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of June Canty, Gubernatorial Appointment No. 9085, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Billig, Carrell, Fraser, Frockt, Hargrove, Harper, Murray and Nelson

June Canty, Gubernatorial Appointment No. 9085, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1287, by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet

Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.29A.010 and 2010 c 281 s 2 are each amended to read as follows:

(1)(a) The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

(b) The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

(c) The legislature finds that lessees of publicly owned property or community centers are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property or community centers. For the purposes of this subsection, "community center" has the same meaning as provided in RCW 84.36.010.

(d) The legislature also finds that eliminating the property tax on property owned exclusively by federally recognized Indian tribes within the state requires that the leasehold excise tax also be applied to leasehold interests on tribally owned property.

(2) The legislature further finds that experience gained by lessors, lessees, and the department of revenue since enactment of the leasehold excise tax under this chapter has shed light on areas in the leasehold excise statutes that need explanation and clarification. The purpose of chapter 220, Laws of 1999 is to make those changes.

Sec. 2. RCW 82.29A.020 and 2012 2nd sp.s. c 6 s 501 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1)(a) "Leasehold interest" means an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership. However, no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government may constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" includes the rights of

use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites.

(b) The term "leasehold interest" does not include:

(i) Road or utility easements, rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration (~~("Leasehold interest" does not include);~~); or

(ii) The preferential use of publicly owned cargo cranes and docks and associated areas used in the loading and discharging of cargo located at a port district marine facility. "Preferential use" means that publicly owned real or personal property is used by a private party under a written agreement with the public owner, but the public owner or any third party maintains a right to use the property when not being used by the private party.

(c) "Publicly owned real or personal property" includes real or personal property owned by a federally recognized Indian tribe in the state and exempt from tax under RCW 84.36.010.

(2)(a) "Taxable rent" means contract rent as defined in (c) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor. However, after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in (g) of this subsection. All other leasehold interests are subject to the determination of taxable rent under the terms of (g) of this subsection.

(b) For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent includes only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and does not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(c) "Contract rent" means the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest is part of contract rent.

(d) "Contract rent" does not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the

replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements are taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

(e) Any prepaid contract rent is considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent must be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, must be prorated from the date of prepayment.

(f) With respect to a "product lease", the value is that value determined at the time of sale under terms of the lease.

(g) If it is determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration must be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration must be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter means a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" means a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas, geothermal water and steam, and forage removed through the grazing of livestock.

Sec. 3. RCW 84.36.010 and 2010 c 281 s 1 are each amended to read as follows:

(1) All property belonging exclusively to the United States, the state, or any county or municipal corporation; all property belonging exclusively to any federally recognized Indian tribe that has reservation or trust lands located in the state, if that property is used exclusively for essential government services; all property, and contiguous property, belonging to a federally recognized Indian tribe in which a portion is used by the tribe or by a lessee for the purposes of conducting for-profit horse racing meets; all deep water port property, and related-port property, belonging to a federally recognized Indian tribe used to service the maritime industry in a county with a population greater than seven hundred fifty thousand but less than one million five hundred thousand that contains a national park; all state route number 16 corridor transportation systems and facilities constructed under chapter 47.46 RCW; all property under a financing contract pursuant to chapter 39.94 RCW or recorded agreement granting immediate possession and use to the public bodies listed in this section or under an order of immediate possession and use pursuant to RCW 8.04.090; and, for a period of forty years from acquisition, all property of a community center; is exempt from taxation. All property belonging exclusively to a foreign national government is exempt from taxation if that property is used exclusively as an office or residence for a consul or other official representative of the foreign national government, and if the consul or other official representative is a citizen of that foreign nation.

(2) For the purposes of this section the following definitions apply unless the context clearly requires otherwise.

(a) "Community center" means property, including a building or buildings, determined to be surplus to the needs of a district by a local school board, and purchased or acquired by a nonprofit organization for the purposes of converting them into community facilities for the delivery of nonresidential coordinated services for community members. The community center may make space available to businesses, individuals, or other parties through the loan or rental of space in or on the property.

(b) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, sewer, water, environmental and land use, transportation, and utility services.

Sec. 4. RCW 84.36.451 and 2001 c 26 s 2 are each amended to read as follows:

(1) The following property shall be exempt from taxation: Any and all rights to occupy or use any real or personal property owned in fee or held in trust by:

(a) The United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington, or a federally recognized Indian tribe for property exempt under RCW 84.36.010; or

(b) A public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites; and

(c) ~~(Including)~~ Any leasehold interest arising from the property identified in (a) and (b) of this subsection as defined in RCW 82.29A.020.

(2) The exemption under this section ~~(shall)~~ does not apply to:

(a) Any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW; or

(b) Any such leasehold interest consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes.

(3) The exemption under this section ~~(shall)~~ may not be construed to modify the provisions of RCW 84.40.230.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

Sec. 5. RCW 84.40.230 and 1994 c 124 s 25 are each amended to read as follows:

When any real property is sold on contract by the United States of America, the state, ~~((or))~~ any county or municipality, or any federally recognized Indian tribe, and the contract expresses or implies that the vendee is entitled to the possession, use, benefits and profits thereof and therefrom so long as the vendee complies with the terms of the contract, it ~~((shall be))~~ is deemed that the vendor retains title merely as security for the fulfillment of the contract, and the property ~~((shall))~~ must be assessed and taxed in the same manner as other similar property in private ownership is taxed, and the tax roll ~~((shall))~~ must contain, opposite the description of the property so assessed the following notation: "Subject to title remaining in the vendor" or other notation of similar significance. No foreclosure for delinquent taxes nor any deed issued pursuant thereto ~~((shall))~~ may extinguish or otherwise affect the title of the vendor. In any case under former law where the contract and not the property was taxed no deed of the property described in such contract ~~((shall))~~ may ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described thereon are fully paid.

NEW SECTION. Sec. 6. A new section is added to chapter 52.30 RCW to read as follows:

(1) When exempt tribal property is located within the boundaries of a fire protection district or a regional fire protection service authority, the fire protection district or authority is authorized to contract with the tribe for compensation for providing fire protection services in an amount and under such terms as are mutually agreed upon by the fire protection district or authority and the tribe.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Exempt tribal property" means property that is owned exclusively by a federally recognized Indian tribe and that is exempt from taxation under RCW 84.36.010;

(b) "Regional fire protection service authority" or "authority" has the same meaning as provided in RCW 52.26.020.

NEW SECTION. Sec. 7. This act expires July 1, 2023."

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the committee striking amendment be adopted:

On page 8, after line 18 of the amendment, insert the following: **NEW SECTION. Sec. 7.** A new section is added to chapter 82.32 RCW to read as follows:

Beginning July 1, 2014, and each July 1st thereafter, any city, county, or local taxing district that would receive less tax dollars as a result of this act may apply to the department for reimbursement of the tax dollars they would have received if not for this act. The application must be filed with the department in a form and manner prescribed by the department by July 31st of each year. The department must provide any reimbursement authorized by this section by August 31st of each year."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 8, line 23 of the title amendment, after "52.30 RCW;" insert "adding a new section to chapter 82.32 RCW;"

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Sheldon and Benton spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 8, after line 18 to the committee striking amendment to Engrossed House Bill No. 1287.

The motion by Senator Ericksen failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser to the committee striking amendment be adopted:

On page 8, after line 18 of the amendment, insert the following:

NEW SECTION. Sec. 7. By December 1, 2016, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must provide an economic impact report to the legislature evaluating the impacts of changes made in this act regarding the leasehold tax and property tax treatment of property owned by a federally recognized Indian tribe. The economic impact report must indicate: The number of parcels and uses of land involved; the economic impacts to tribal governments; state and local government revenue reductions, increases, and shifts from all tax sources affected; impacts on public infrastructure and public services; impacts on business investment and business competition; a description of the types of business activities affected; impacts on the number of jobs created or lost; and any other data the joint legislative audit and review committee deems necessary in determining the economic impacts of this act."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senators Fraser and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 8, after line 18 to the committee striking amendment to Engrossed House Bill No. 1287.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed House Bill No. 1287.

The motion by Senator Hill carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 3 of the title, after "tribe;" strike the remainder of the title and insert "amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 52.30 RCW; and providing an expiration date."

On page 8, line 23 of the title amendment, after "52.30 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 1287 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hobbs, Sheldon and Keiser spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

MOTION

On motion of Senator Ranker, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1287 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1287 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Hasegawa, Hill, Hobbs, Keiser, Litzow, McAuliffe, Mullet, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Brown, Ericksen, Frockt, Hargrove, Hatfield, Hewitt, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Padden, Parlette, Pearson and Smith

Excused: Senators Carrell, Fraser, Harper, Murray and Nelson

ENGROSSED HOUSE BILL NO. 1287 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed House Bill No. 1287 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Clarence Henderson, Gubernatorial Appointment No. 9111, be confirmed as a member of the Human Rights Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF CLARENCE HENDERSON

The President declared the question before the Senate to be the confirmation of Clarence Henderson, Gubernatorial Appointment No. 9111, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Clarence Henderson, Gubernatorial Appointment No. 9111, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell, Harper and Murray

Clarence Henderson, Gubernatorial Appointment No. 9111, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Nancy Holland, Gubernatorial Appointment No. 9115, be confirmed as a member of the Personnel Resources Board.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF NANCY HOLLAND

The President declared the question before the Senate to be the confirmation of Nancy Holland, Gubernatorial Appointment No. 9115, as a member of the Personnel Resources Board.

The Secretary called the roll on the confirmation of Nancy Holland, Gubernatorial Appointment No. 9115, as a member of the Personnel Resources Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Nancy Holland, Gubernatorial Appointment No. 9115, having received the constitutional majority was declared confirmed as a member of the Personnel Resources Board.

MOTION

On motion of Senator Billig, Senator Frockt was excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Stephen Hunt, Gubernatorial Appointment No. 9119, be confirmed as a member of the Human Rights Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF STEPHEN HUNT

The President declared the question before the Senate to be the confirmation of Stephen Hunt, Gubernatorial Appointment No. 9119, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Stephen Hunt, gubernatorial appointment No. 9119, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

Stephen Hunt, gubernatorial appointment No. 9119, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1195, by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Wylie, Buys, Hunt, Van De Wege, Appleton, Orwall, Ryu and Jinkins)

Repealing provisions relating to filling unexpired terms. Revised for 2nd Substitute: Concerning primaries.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.52.220 and 2005 c 153 s 10 are each amended to read as follows:

(1) No primary may be held for any single position in any (~~city, town, district, or district court, as required by RCW 29A.52.210,~~) nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall(~~s~~) as soon as possible(~~s~~) notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

(2) ((No primary may be held for nonpartisan offices in any first-class city if the city:

(a) Is a qualifying city that has been certified to participate in the pilot project authorized by RCW 29A.53.020; and

(b) Is conducting an election using the instant runoff voting method for the pilot project authorized by RCW 29A.53.020.

(c) This subsection (2) expires July 1, 2013.

(3)) No primary may be held for the office of commissioner of a park and recreation district or for the office of cemetery district commissioner.

((~~4~~)) (3) Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29A.36.131.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) RCW 29A.52.010 (Elections to fill unexpired term--No primary, when) and 2005 c 2 s 13 & 2003 c 111 s 1301; and

(2) RCW 29A.52.011 (Elections to fill unexpired term--No primary, when) and 2006 c 344 s 14 & 2004 c 271 s 172.

NEW SECTION. Sec. 3. 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."

MOTION

Senator Roach moved that the following amendment by Senator Roach to the committee striking amendment be adopted:

On page 1, beginning on line 3 of the amendment, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 8 of the title amendment, after "insert" strike "amending RCW 29A.52.220;"

Senator Roach spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Roach, the amendment by Senator Roach on page 1, line 3 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

MOTION

Senator Hasegawa moved that the following amendment by Senators Hasegawa and Roach to the committee striking amendment be adopted:

On page 1, after line 24 of the amendment, insert the following:

"Sec. 2. RCW 29A.04.420 and 2003 c 111 s 147 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW ((~~29A.04.320~~)) 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election.

(2) The state shall reimburse counties for the cost of return postage on mail and absentee ballots for primary, general, and special elections.

(3) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

((~~3~~)) (4) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and shall file such expense claims with the secretary of state.

((~~4~~)) (5) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

Sec. 3. RCW 29A.40.091 and 2011 c 349 s 17, 2011 c 348 s 3, 2011 c 182 s 1, and 2011 c 10 s 39 are each reenacted and amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information

about the election, how to mark the ballot, and how to return the ballot to the county auditor.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The voter must indicate the date on which the ballot was voted and sign the declaration. The ballot materials must also contain a space so that the voter may include a telephone number.

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for primary and general election ballots shall include prepaid postage. Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or e-mail. A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary."

Renumber the remaining sections consecutively.

On page 2, line 7 of the title amendment, after "after" strike the remainder of the title amendment and insert "to" strike the remainder of the title and insert "elections; amending RCW 29A.52.220 and 29A.04.420; reenacting and amending RCW 29A.40.091; repealing RCW 29A.52.010 and 29A.52.011; and declaring an emergency."

POINT OF ORDER

Senator Padden: "Mr. President, under Senate Rule 66 I'd ask for a ruling on scope and object this amendment to the underlying bill."

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senators Hasegawa and Roach on page 1, line 24 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

MOTION

Senator Hasegawa moved that the following amendment by Senators Hasegawa and Roach to the committee striking amendment be adopted:

On page 1, after line 24 of the amendment, insert the following:
"Sec. 2. RCW 29A.32.010 and 2003 c 111 s 801 are each amended to read as follows:

The secretary of state shall(~~(, whenever at least one statewide measure or office is scheduled to appear on the general election ballot,)~~) print and distribute a voters' pamphlet for the primary in each even-numbered year and for the general election every year.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations he or she deems appropriate. The secretary of state shall

also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data."

Renumber the remaining sections consecutively.

On page 1, line 28 of the amendment, after "1301;" strike "and"

On page 2, line 2 of the amendment, after "172" insert "; and

(3) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s 122"

On page 2, line 7 of the title amendment, after "after" strike the remainder of the title amendment and insert "to" strike the remainder of the title and insert "elections; amending RCW 29A.52.220 and 29A.32.010; repealing RCW 29A.52.010, 29A.52.011, and 29A.32.036; and declaring an emergency."

Senator Hasegawa spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senators Hasegawa and Roach on page 1, line 24 to the committee striking amendment to Second Substitute House Bill No. 1195 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1195.

The motion by Senator Hill carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "ballot;" strike the remainder of the title and insert "amending RCW 29A.52.220; repealing RCW 29A.52.010 and 29A.52.011; and declaring an emergency."

MOTION

On motion of Senator Hill, the rules were suspended, Second Substitute House Bill No. 1195 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1195 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1195 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frock, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner, Kline and Padden

Excused: Senator Carrell

SECOND SUBSTITUTE HOUSE BILL NO. 1195 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,

SUBSTITUTE SENATE BILL NO. 5072,

ENGROSSED SENATE BILL NO. 5236,

ENGROSSED SENATE BILL NO. 5607,

SUBSTITUTE SENATE BILL NO. 5705,

SECOND SUBSTITUTE SENATE BILL NO. 5732.

MOTION

On motion of Senator Fain, Second Substitute House Bill No. 1195 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Fain, the Senate reverted to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

SCR 8404 by Senators Tom and Murray

Returning bills to their house of origin.

SCR 8405 by Senators Tom and Murray

Adjourning SINE DIE.

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8404 and Senate Concurrent Resolution No. 8405 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Tom and Murray

Returning bills to their house of origin.

The measure was read the second time.

MOTION

2013 REGULAR SESSION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8404.

SENATE CONCURRENT RESOLUTION NO. 8404 having received the constitutional majority was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Tom and Murray

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8405.

SENATE CONCURRENT RESOLUTION NO. 8405 having received the constitutional majority was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION

8662

By Senators Tom and Murray

WHEREAS, The 2013 Regular Session of the Sixty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2013 Regular Session of the Sixty-third Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law,

April 28, 2013

subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2013 Regular Session of the Sixty-third Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain and without objections, all measures on the second and third reading calendars were returned to the Committee on Rules.

MOTION

At 6:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:09 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1195 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1818,

SUBSTITUTE HOUSE BILL NO. 1982,

HOUSE BILL NO. 2058,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1818,

SUBSTITUTE HOUSE BILL NO. 1982, .

HOUSE BILL NO. 2058.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2017,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,

SUBSTITUTE SENATE BILL NO. 5072,

ENGROSSED SENATE BILL NO. 5236,

ENGROSSED SENATE BILL NO. 5607,

SUBSTITUTE SENATE BILL NO. 5705,

SECOND SUBSTITUTE SENATE BILL NO. 5732,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,

SENATE CONCURRENT RESOLUTION NO. 8405,

and the same are herewith transmitted.

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

BARBARA BAKER, Chief Clerk

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following Senate bills are returned to the Senate:

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8404,
SENATE CONCURRENT RESOLUTION NO. 8405.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8404,
SENATE CONCURRENT RESOLUTION NO. 8405,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1195,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND SUBSTITUTE HOUSE BILL NO. 1195.

MOTION

On motion of Senator Fain, the reading of the Journal for the 105th day of the 2013 Regular Session of the 63rd Legislature was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5045,
SENATE BILL NO. 5408,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 28, 2013

MR. PRESIDENT:

SUBSTITUTE SENATE BILL NO. 5010,
SENATE BILL NO. 5015,
SUBSTITUTE SENATE BILL NO. 5031,
ENGROSSED SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5054,
SENATE BILL NO. 5059,
SENATE BILL NO. 5069,
SENATE BILL NO. 5081,
SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5097,
SENATE BILL NO. 5098,
SUBSTITUTE SENATE BILL NO. 5100,
SENATE BILL NO. 5106,
SENATE BILL NO. 5107,
SENATE BILL NO. 5112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5118,
SUBSTITUTE SENATE BILL NO. 5119,
ENGROSSED SENATE BILL NO. 5121,
SUBSTITUTE SENATE BILL NO. 5123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5128,
SENATE BILL NO. 5132,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5138,
SENATE BILL NO. 5141,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SENATE BILL NO. 5158,
SUBSTITUTE SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5162,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5176,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
ENGROSSED SENATE BILL NO. 5183,
SUBSTITUTE SENATE BILL NO. 5187,
SENATE BILL NO. 5198,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5200,
SUBSTITUTE SENATE BILL NO. 5202,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5219,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5239,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5242,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5244,
SENATE BILL NO. 5257,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5279,
SUBSTITUTE SENATE BILL NO. 5289,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5296,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,
SENATE BILL NO. 5318,
SENATE BILL NO. 5323,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5328,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5330,
SENATE BILL NO. 5335,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,
SENATE BILL NO. 5349,

SENATE BILL NO. 5377,
 ENGROSSED SENATE BILL NO. 5378,
 SUBSTITUTE SENATE BILL NO. 5381,
 SENATE BILL NO. 5407,
 SENATE BILL NO. 5425,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5438,
 SUBSTITUTE SENATE BILL NO. 5445,
 SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5471,
 SUBSTITUTE SENATE BILL NO. 5494,
 ENGROSSED SENATE BILL NO. 5495,
 SENATE BILL NO. 5500,
 SENATE BILL NO. 5516,
 SUBSTITUTE SENATE BILL NO. 5523,
 SECOND SUBSTITUTE SENATE BILL NO. 5540,
 SENATE BILL NO. 5578,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5587,
 ENGROSSED SENATE BILL NO. 5596,
 SUBSTITUTE SENATE BILL NO. 5605,
 SENATE BILL NO. 5606,
 SENATE BILL NO. 5618,
 SENATE BILL NO. 5641,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5656,
 SENATE BILL NO. 5658,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5663,
 SUBSTITUTE SENATE BILL NO. 5679,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5680,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
 SUBSTITUTE SENATE BILL NO. 5686,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5688,
 SUBSTITUTE SENATE BILL NO. 5691,
 SUBSTITUTE SENATE BILL NO. 5697,
 SENATE BILL NO. 5716,
 SUBSTITUTE SENATE BILL NO. 5718,
 ENGROSSED SENATE BILL NO. 5726,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5735,
 SENATE BILL NO. 5747,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5753,
 SUBSTITUTE SENATE BILL NO. 5754,
 SUBSTITUTE SENATE BILL NO. 5755,
 SUBSTITUTE SENATE BILL NO. 5760,
 SUBSTITUTE SENATE BILL NO. 5766,
 SENATE BILL NO. 5775,
 SENATE BILL NO. 5784,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
 SENATE BILL NO. 5787,
 SECOND SUBSTITUTE SENATE BILL NO. 5794,
 SUBSTITUTE SENATE BILL NO. 5804,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5834,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5851,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5857,
 ENGROSSED SENATE BILL NO. 5860,
 SUBSTITUTE SENATE BILL NO. 5891,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5895,
 SUBSTITUTE SENATE BILL NO. 5897,
 SUBSTITUTE SENATE BILL NO. 5898,
 ENGROSSED SENATE BILL NO. 5903,
 SENATE BILL NO. 5904,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,
 SENATE BILL NO. 5910,

SUBSTITUTE SENATE BILL NO. 5913,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1007,
 ENGROSSED HOUSE BILL NO. 1013,
 SECOND SUBSTITUTE HOUSE BILL NO. 1017,
 SUBSTITUTE HOUSE BILL NO. 1027,
 HOUSE BILL NO. 1028,
 SUBSTITUTE HOUSE BILL NO. 1047,
 HOUSE BILL NO. 1059,
 SUBSTITUTE HOUSE BILL NO. 1098,
 SUBSTITUTE HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1140,
 HOUSE BILL NO. 1157,
 HOUSE BILL NO. 1159,
 HOUSE BILL NO. 1186,
 SECOND SUBSTITUTE HOUSE BILL NO. 1217,
 HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1243,
 SUBSTITUTE HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1260,
 ENGROSSED HOUSE BILL NO. 1267,
 HOUSE BILL NO. 1268,
 ENGROSSED HOUSE BILL NO. 1276,
 ENGROSSED HOUSE BILL NO. 1279,
 SUBSTITUTE HOUSE BILL NO. 1283,
 HOUSE BILL NO. 1286,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1290,
 SUBSTITUTE HOUSE BILL NO. 1292,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1301,
 SUBSTITUTE HOUSE BILL NO. 1314,
 SUBSTITUTE HOUSE BILL NO. 1324,
 HOUSE BILL NO. 1345,
 HOUSE BILL NO. 1359,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,
 HOUSE BILL NO. 1369,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1374,
 SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,
 SUBSTITUTE HOUSE BILL NO. 1413,
 SUBSTITUTE HOUSE BILL NO. 1423,
 HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1501,
 SUBSTITUTE HOUSE BILL NO. 1529,
 SUBSTITUTE HOUSE BILL NO. 1542,
 ENGROSSED HOUSE BILL NO. 1554,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1563,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1582,
 SUBSTITUTE HOUSE BILL NO. 1594,
 HOUSE BILL NO. 1608,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1648,
 SUBSTITUTE HOUSE BILL NO. 1654,

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 1671,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1675,
 SECOND SUBSTITUTE HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1724,
 HOUSE BILL NO. 1797,
 SUBSTITUTE HOUSE BILL NO. 1814,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1819,
 HOUSE BILL NO. 1861.

HOUSE BILL NO. 1570,
 HOUSE BILL NO. 1587,
 HOUSE BILL NO. 1592,
 SUBSTITUTE HOUSE BILL NO. 1614,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620,
 SUBSTITUTE HOUSE BILL NO. 1635,
 SUBSTITUTE HOUSE BILL NO. 1638,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,
 SECOND SUBSTITUTE HOUSE BILL NO. 1663,
 SUBSTITUTE HOUSE BILL NO. 1669,
 HOUSE BILL NO. 1684,
 HOUSE BILL NO. 1715,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
 SUBSTITUTE HOUSE BILL NO. 1010,
 HOUSE BILL NO. 1014,
 SUBSTITUTE HOUSE BILL NO. 1016,
 SUBSTITUTE HOUSE BILL NO. 1032,
 SUBSTITUTE HOUSE BILL NO. 1038,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
 SUBSTITUTE HOUSE BILL NO. 1107,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
 HOUSE BILL NO. 1119,
 ENGROSSED HOUSE BILL NO. 1132,
 HOUSE BILL NO. 1145,
 SUBSTITUTE HOUSE BILL NO. 1155,
 SECOND SUBSTITUTE HOUSE BILL NO. 1158,
 SUBSTITUTE HOUSE BILL NO. 1172,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1179,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1199,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204,
 HOUSE BILL NO. 1227,
 HOUSE BILL NO. 1230,
 HOUSE BILL NO. 1251,
 HOUSE BILL NO. 1266,
 HOUSE BILL NO. 1269,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
 SUBSTITUTE HOUSE BILL NO. 1298,
 SUBSTITUTE HOUSE BILL NO. 1323,
 HOUSE BILL NO. 1326,
 SUBSTITUTE HOUSE BILL NO. 1328,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1339,
 HOUSE BILL NO. 1361,
 SUBSTITUTE HOUSE BILL NO. 1382,
 ENGROSSED HOUSE BILL NO. 1395,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
 HOUSE BILL NO. 1402,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1418,
 HOUSE BILL NO. 1419,
 HOUSE BILL NO. 1436,
 SUBSTITUTE HOUSE BILL NO. 1459,
 ENGROSSED HOUSE BILL NO. 1470,
 ENGROSSED HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1487,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
 SUBSTITUTE HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1531,
 ENGROSSED HOUSE BILL NO. 1538,
 ENGROSSED HOUSE BILL NO. 1539,
 HOUSE BILL NO. 1544,

1727,
 ENGROSSED HOUSE BILL NO. 1733,
 SUBSTITUTE HOUSE BILL NO. 1740,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1773,
 SUBSTITUTE HOUSE BILL NO. 1840,
 SUBSTITUTE HOUSE BILL NO. 1841,
 HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,
 HOUSE BILL NO. 1892,
 HOUSE BILL NO. 1896,
 SUBSTITUTE HOUSE BILL NO. 1946,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,
 HOUSE BILL NO. 2017,
 HOUSE BILL NO. 2024.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8404, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1008,
 HOUSE BILL NO. 1043,
 ENGROSSED HOUSE BILL NO. 1044,
 SUBSTITUTE HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1101,
 SUBSTITUTE HOUSE BILL NO. 1170,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1252,
 SUBSTITUTE HOUSE BILL NO. 1285,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1302,
 SUBSTITUTE HOUSE BILL NO. 1309,
 SUBSTITUTE HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1348,
 HOUSE BILL NO. 1362,
 SECOND SUBSTITUTE HOUSE BILL NO. 1424,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1437,
 HOUSE BILL NO. 1441,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1467,
 ENGROSSED HOUSE BILL NO. 1473,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1522,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1526,
 SUBSTITUTE HOUSE BILL NO. 1536,
 SUBSTITUTE HOUSE BILL NO. 1558,
 SUBSTITUTE HOUSE BILL NO. 1574,
 HOUSE BILL NO. 1593,
 SUBSTITUTE HOUSE BILL NO. 1601,
 SECOND SUBSTITUTE HOUSE BILL NO. 1627,
 HOUSE BILL NO. 1631,
 HOUSE BILL NO. 1634,

HOUSE BILL NO. 1660,
 SUBSTITUTE HOUSE BILL NO. 1674,
 HOUSE BILL NO. 1710,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
 SECOND SUBSTITUTE HOUSE BILL NO. 1777,
 HOUSE BILL NO. 1795,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1828,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1858,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864,
 SUBSTITUTE HOUSE BILL NO. 1866,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1872,
 SUBSTITUTE HOUSE BILL NO. 1884,
 ENGROSSED HOUSE BILL NO. 1891,
 ENGROSSED HOUSE BILL NO. 1900,
 SECOND SUBSTITUTE HOUSE BILL NO. 1909,
 ENGROSSED HOUSE BILL NO. 1920,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
 ENGROSSED HOUSE BILL NO. 1923,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1934,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,
 SUBSTITUTE HOUSE BILL NO. 1957,
 SUBSTITUTE HOUSE BILL NO. 1960,
 SUBSTITUTE HOUSE BILL NO. 1961,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1971,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
 SUBSTITUTE HOUSE BILL NO. 1986,
 HOUSE BILL NO. 1988,
 SUBSTITUTE HOUSE BILL NO. 2002,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2018,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,
 HOUSE BILL NO. 2042,
 HOUSE BILL NO. 2044,
 HOUSE BILL NO. 2045,
 HOUSE JOINT MEMORIAL NO. 4001,
 HOUSE CONCURRENT RESOLUTION NO. 4403.

MOTION

At 6:13 p.m., on motion of Senator Fain, the 2013 Regular Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

1000-S		1170-S	
Other Action.....	80	Other Action	81
1004-S		1172-S	
Other Action.....	81	Other Action	81
1007-S		1173	
Other Action.....	80	Other Action	81
1008		1179	
Other Action.....	81	Other Action	81
1010-S		1183-S	
Other Action.....	81	President Signed.....	15
1013		Speaker Signed	15
Other Action.....	80	1186	
1014		Other Action	80
Other Action.....	81	1195-S2	
1016-S		Messages.....	78
Other Action.....	81	Other Action	75, 76
1017-S2		President Signed.....	79
Other Action.....	80	Second Reading	75, 76
1027-S		Speaker Signed	79
Other Action.....	80	Third Reading Final Passage.....	76
1028		1199-S	
Other Action.....	80	Other Action	81
1032-S		1204-S	
Other Action.....	81	Other Action	81
1038-S		1217-S2	
Other Action.....	81	Other Action	80
1043		1225	
Other Action.....	81	Other Action	80
1044		1227	
Other Action.....	81	Other Action	81
1047-S		1230	
Other Action.....	80	Other Action	81
1048-S		1243	
Other Action.....	81	Other Action	80
1059		1244-S	
Other Action.....	80	Other Action	80
1083-S		1251	
Other Action.....	81	Other Action	81
1090-S		1252-S	
Other Action.....	81	Other Action	81
1098-S		1260-S	
Other Action.....	80	Other Action	80
1101		1266	
Other Action.....	81	Other Action	81
1103-S		1267	
Other Action.....	80	Other Action	80
1107-S		1268	
Other Action.....	81	Other Action	80
1117-S		1269	
Other Action.....	81	Other Action	81
1119		1274-S	
Other Action.....	81	Other Action	81
1132		1276	
Other Action.....	81	Other Action	80
1140-S		1279	
Other Action.....	80	Other Action	80
1145		1283-S	
Other Action.....	81	Other Action	80
1155-S		1285-S	
Other Action.....	81	Other Action	81
1157		1286	
Other Action.....	80	Other Action	80
1158-S2		1287	
Other Action.....	81	Committee Report.....	1
1159		Other Action	73
Other Action.....	80	Second Reading	71, 73

Third Reading Final Passage	74	1419	
1290-S		Other Action	81
Other Action	80	1423-S	
1292-S		Other Action	80
Other Action	80	1424-S2	
1294-S		Other Action	81
Other Action	81	1436	
1298-S		Other Action	81
Other Action	81	1437-S2	
1301-S2		Other Action	81
Other Action	80	1441	
1302-S2		Other Action	81
Other Action	81	1448-S	
1309-S		Other Action	81
Other Action	81	1459-S	
1314-S		Other Action	81
Other Action	80	1467-S	
1323-S		Other Action	81
Other Action	81	1470	
1324-S		Other Action	81
Other Action	80	1471	
1326		President Signed.....	15
Other Action	81	Speaker Signed	15
1328-S		1473	
Other Action	81	Other Action	81
1331-S		1483	
Other Action	81	Other Action	81
1332-S		1486	
Other Action	81	Other Action	80
1339		1487-S	
Other Action	81	Other Action	81
1345		1496-S	
Other Action	80	Other Action	81
1348		1501-S	
Other Action	81	Other Action	80
1359		1522-S2	
Other Action	80	Other Action	81
1361		1526-S2	
Other Action	81	Other Action	81
1362		1527-S	
Other Action	81	Other Action	81
1364-S		1529-S	
Other Action	80	Other Action	80
1369		1531	
Other Action	80	Other Action	81
1374-S2		1536-S	
Other Action	80	Other Action	81
1379-S		1538	
Other Action	80	Other Action	81
1382-S		1539	
Other Action	81	Introduction & 1 st Reading.....	2
1395		Other Action	2, 81
Other Action	81	1542-S	
1399-S		Other Action	80
Other Action	80	1544	
1401-S		Other Action	81
Other Action	81	1554	
1402		Other Action	80
Other Action	81	1558-S	
1409-S		Other Action	81
Other Action	81	1563-S2	
1413-S		Other Action	80
Other Action	80	1570	
1418-S		Other Action	81
Other Action	81	1574-S	

Other Action.....	81	Other Action	82
1580-S		1769-S	
Other Action.....	80	Other Action	82
1582-S		1773-S	
Other Action.....	80	Other Action	81
1587		1777-S2	
Other Action.....	81	Other Action	82
1592		1795	
Other Action.....	81	Other Action	82
1593		1797	
Other Action.....	81	Other Action	81
1594-S		1814-S	
Other Action.....	80	Other Action	81
1601-S		1817-S	
Other Action.....	81	Other Action	82
1608		1818	
Other Action.....	80	Committee Report.....	1
1614-S		President Signed.....	78
Other Action.....	81	Second Reading	13
1620-S		Speaker Signed	78
Other Action.....	81	Third Reading Final Passage.....	13
1627-S2		1819-S	
Other Action.....	81	Other Action	81
1631		1828-S2	
Other Action.....	81	Other Action	82
1634		1840-S	
Other Action.....	81	Other Action	81
1635-S		1841-S	
Other Action.....	81	Other Action	81
1638-S		1843-S	
Other Action.....	81	Other Action	82
1648-S2		1858-S	
Other Action.....	80	Other Action	82
1651-S		1859	
Other Action.....	81	Other Action	81
1654-S		1861	
Other Action.....	80	Other Action	81
1660		1864-S	
Other Action.....	82	Other Action	82
1663-S2		1866-S	
Other Action.....	81	Other Action	82
1669-S		1870-S	
Other Action.....	81	Other Action	81
1671-S2		1872-S2	
Other Action.....	81	Other Action	82
1674-S		1884-S	
Other Action.....	82	Other Action	82
1675-S		1891	
Other Action.....	81	Other Action	82
1680-S2		1892	
Other Action.....	81	Other Action	81
1684		1896	
Other Action.....	81	Other Action	81
1710		1900	
Other Action.....	82	Other Action	82
1715		1909-S2	
Other Action.....	81	Other Action	82
1724		1920	
Other Action.....	81	Other Action	82
1727-S2		1922-S	
Other Action.....	81	Other Action	82
1733		1923	
Other Action.....	81	Other Action	82
1740-S		1934-S	
Other Action.....	81	Other Action	82
1753-S		1946-S	

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

Other Action.....	81	5010-S	
1947-S		Other Action	79
Other Action.....	82	5015	
1950-S		Other Action	79
Other Action.....	81	5024-S	
1957-S		Final Passage as amended by House	70
Other Action.....	82	Messages.....	18
1960-S		Other Action	69
Other Action.....	82	President Signed.....	77
1961-S		Speaker Signed	78
Other Action.....	82	5031-S	
1971-S2		Other Action	79
Other Action.....	82	5045-S	
1978-S		Other Action	79
Other Action.....	82	5048	
1982-S		Other Action	79
President Signed.....	78	5054-S	
Second Reading.....	13	Other Action	79
Speaker Signed.....	78	5059	
Third Reading Final Passage.....	14	Other Action	79
1986-S		5069	
Other Action.....	82	Other Action	79
1988		5072-S	
Other Action.....	82	Final Passage as amended by House	12
2002-S		Messages.....	11
Other Action.....	82	Other Action	12
2016-S		President Signed.....	77
Other Action.....	82	Speaker Signed	78
2017		5081	
Messages	78	Other Action	79
Other Action.....	81	5083	
2018-S		Other Action	79
Other Action.....	82	5088-S	
2024		Other Action	79
Committee Report	1	5097	
Other Action.....	81	Other Action	79
2038-S		5098	
Other Action.....	82	Other Action	79
2042		5100-S	
Other Action.....	82	Other Action	79
2044		5106	
Other Action.....	82	Other Action	79
2045		5107	
Other Action.....	82	Other Action	79
2056		5112	
President Signed.....	15	Other Action	79
Speaker Signed.....	15	5118-S	
2058		Other Action	79
Introduction & 1 st Reading	14	5119-S	
Messages	1	Other Action	79
Other Action.....	14	5121	
President Signed.....	78	Other Action	79
Second Reading.....	14	5123-S	
Speaker Signed.....	78	Other Action	79
Third Reading Final Passage.....	14	5127-S	
4001		Other Action	79
Other Action.....	82	5128-S	
4403		Other Action	79
Other Action.....	82	5132	
4405		Other Action	79
President Signed.....	15	5138-S	
Speaker Signed.....	15	Other Action	79
4406		5141	
President Signed.....	15	Other Action	79
Speaker Signed.....	15	5157-S	

Other Action.....	79	5318	Other Action	79
5158		5323	Other Action	79
Other Action.....	79	5328-S	Other Action	79
5160-S		5330-S2	Other Action	79
Other Action.....	79	5335	Other Action	79
5162-S		5338-S	Other Action	79
Other Action.....	79	5349	Other Action	79
5176-S		5377	Other Action	80
Other Action.....	79	5378	Other Action	80
5178-S		5381-S	Other Action	80
Other Action.....	79	5405-S2	Speaker Signed	15
5183		5407	Other Action	80
Other Action.....	79	5408	Other Action	79
5187-S		5425	Other Action	80
Other Action.....	79	5438-S	Other Action	80
5193-S2		5445-S	Other Action	80
President Signed.....	2	5450	Other Action	80
Speaker Signed.....	15	5452-S	Other Action	80
5198		5456-S	President Signed.....	3
Other Action.....	79		Speaker Signed	15
5200-S		5471-S	Other Action	80
Other Action.....	79	5484	President Signed.....	3
5202-S			Speaker Signed	15
Other Action.....	79	5494-S	Other Action	80
5208-S		5495	Other Action	80
Other Action.....	79	5500	Other Action	80
5211-S		5510	President Signed.....	3
President Signed.....	2		Speaker Signed	15
Speaker Signed.....	15	5516	Other Action	80
5213-S2		5523-S	Other Action	80
Speaker Signed.....	15	5540-S2	Other Action	80
5219-S2		5578	Other Action	80
Other Action.....	79	5587-S	Other Action	80
5221		5595-S2	President Signed.....	3
Speaker Signed.....	15		Speaker Signed	15
5236				
Final Passage as amended by House	5			
Messages	3			
Other Action.....	4			
President Signed.....	77			
Speaker Signed.....	78			
5237-S2				
Other Action.....	79			
5239-S				
Other Action.....	79			
5242-S				
Other Action.....	79			
5243-S2				
Other Action.....	79			
5244-S2				
Other Action.....	79			
5257				
Other Action.....	79			
5267-S2				
President Signed.....	2			
Speaker Signed.....	15			
5279-S				
Other Action.....	79			
5289-S				
Other Action.....	79			
5290-S				
Other Action.....	79			
5296-S2				
Other Action.....	79			
5312-S				
Other Action.....	79			

ONE HUNDRED FIFTH DAY, APRIL 28, 2013

2013 REGULAR SESSION

5596	Other Action.....	80	5754-S	Other Action.....	80
5605-S	Other Action.....	80	5755-S	Other Action.....	80
5606	Other Action.....	80	5760-S	Other Action.....	80
5607	Final Passage as amended by House.....	13	5766-S	Other Action.....	80
	Messages.....	12	5775	Other Action.....	80
	Other Action.....	12	5784	Other Action.....	80
	President Signed.....	77	5785-S	Other Action.....	80
	Speaker Signed.....	78	5787	Other Action.....	80
5618	Other Action.....	80	5794-S2	Other Action.....	80
5641	Other Action.....	80	5797	Speaker Signed.....	15
5656-S	Other Action.....	80	5804-S	Other Action.....	80
5658	Other Action.....	80	5811-S	Other Action.....	80
5663-S	Other Action.....	80	5824	Other Action.....	80
5666	Speaker Signed.....	15	5834-S	Other Action.....	80
5679-S	Other Action.....	80	5851-S	Other Action.....	80
5680-S2	Other Action.....	80	5857-S	Other Action.....	80
5684-S	Other Action.....	80	5860	Other Action.....	80
5686-S	Other Action.....	80	5891-S	Other Action.....	80
5688-S2	Other Action.....	80	5892-S	Other Action.....	80
5691-S	Other Action.....	80	5895-S	Other Action.....	80
5697-S	Other Action.....	80	5897-S	Other Action.....	80
5705-S	Final Passage as amended by House.....	7	5898-S	Other Action.....	80
	Messages.....	5	5903	Other Action.....	80
	Other Action.....	6	5904	Other Action.....	80
	President Signed.....	77	5905-S	Other Action.....	80
	Speaker Signed.....	78	5910	Other Action.....	80
5716	Other Action.....	80		Second Reading.....	13
5718-S	Other Action.....	80		Third Reading Final Passage.....	13
5726	Other Action.....	80	5913-S	Other Action.....	80
5732-S2	Final Passage as amended by House.....	11	5929	Introduction & 1 st Reading.....	1
	Messages.....	7	5930	Introduction & 1 st Reading.....	2
	Other Action.....	11	8007-S	Other Action.....	80
	President Signed.....	77	8404	Adopted.....	77
	Speaker Signed.....	78		Introduction & 1 st Reading.....	77
5735-S	Other Action.....	80			
5744-S	President Signed.....	3			
	Speaker Signed.....	15			
5747	Other Action.....	80			
5753-S	Other Action.....	80			

Messages	78	Confirmed	16
Other Action	77	9151 Lee Newgent	
President Signed	79	Confirmed	2
Second Reading	77	9159 Anne Proffitt	
Speaker Signed	79	Confirmed	2
8405		9162 Timothy Rasmussen	
Adopted	77	Confirmed	17
Introduction & 1 st Reading	77	9172 Faouzi Sefrioui	
Messages	78	Confirmed	16
Other Action	77	9179 Gabe Spencer	
President Signed	79	Confirmed	16
Second Reading	77	9188 Pamela Tietz	
Speaker Signed	79	Confirmed	16
8662		9189 Robyn Todd	
Adopted	78	Confirmed	70
Introduced	77	9190 Joe Tortorelli	
9085 June Canty		Confirmed	70
Confirmed	70	9196 James Wigfall	
9094 Steven Drury		Confirmed	14
Confirmed	17	9197 Vicki Wilson	
9111 Clarence Henderson		Confirmed	15
Confirmed	74	PRESIDENT OF THE SENATE	
9112 Lester Herndon		Reply by the President	6, 7, 11
Confirmed	17	WASHINGTON STATE SENATE	
9115 Nancy Holland		Parliamentary Inquiry, Senator Hasegawa	6, 7
Confirmed	74	Parliamentary Inquiry, Senator Padden	11
9119 Stephen Hunt		Point of Inquiry, Senator Benton	4
Confirmed	74	Point of Order, Senator Padden	76
9146 Steven Moss		Remarks by Senator Padden	11