
HOUSE BILL 2723

State of Washington

57th Legislature

2002 Regular Session

By Representatives Ogden, Rockefeller, Lantz, Jackley, Eickmeyer, Haigh and Chase

Read first time 01/25/2002. Referred to Committee on Transportation.

1 AN ACT Relating to modifying the Public-Private Transportation
2 Initiatives Act by authorizing state financing and administration of
3 toll facilities; amending RCW 47.56.010, 47.46.030, 47.46.040,
4 47.46.050, 47.46.060, 47.56.030, 47.56.270, 47.56.271, 39.46.070, and
5 47.56.245; reenacting and amending RCW 43.84.092; adding new sections
6 to chapter 47.46 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that greater
9 flexibility to provide state financing for projects developed under
10 chapter 47.46 RCW will result in better use of public resources, lower
11 financing costs, and potential savings to taxpayers. The legislature
12 intends to: Clarify the ability of the department of transportation to
13 use public and private financing for projects selected and developed
14 under chapter 47.46 RCW; provide the department with specific means of
15 state financing where that financing is in the public's best interest;
16 provide citizens living in the impacted areas a statutory mechanism to
17 review proposed toll rates and provide input before adoption of toll
18 schedules by the toll authority; and prevent unreasonable delay of

1 critical transportation projects that are essential for public safety
2 and welfare.

3 **Sec. 2.** RCW 47.56.010 and 1984 c 7 s 246 are each amended to read
4 as follows:

5 PROVIDING DEFINITION FOR 1950 TACOMA NARROWS BRIDGE. As used in
6 this chapter:

7 (1) "Toll bridge" means a bridge constructed or acquired under this
8 chapter, upon which tolls are charged, together with all appurtenances,
9 additions, alterations, improvements, and replacements thereof, and the
10 approaches thereto, and all lands and interests used therefor, and
11 buildings and improvements thereon.

12 (2) "Toll road" means any express highway, superhighway, or
13 motorway at such locations and between such termini as may be
14 established by law, and constructed or to be constructed as a limited
15 access highway under the provisions of this chapter by the department,
16 and shall include, but not be limited to, all bridges, tunnels,
17 overpasses, underpasses, interchanges, entrance plazas, approaches,
18 toll houses, service areas, service facilities, communications
19 facilities, and administration, storage, and other buildings that the
20 department may deem necessary for the operation of the project,
21 together with all property, rights, easements, and interests that may
22 be acquired by the department for the construction or the operation of
23 the project, all of which shall be conducted in the same manner and
24 under the same procedure as provided for the establishing,
25 constructing, operating, and maintaining of toll bridges by the
26 department, insofar as those procedures are reasonably consistent and
27 applicable.

28 (3) "1950 Tacoma Narrows bridge" means the bridge crossing the
29 Tacoma Narrows that was opened to vehicle travel in 1950.

30 **Sec. 3.** RCW 47.46.030 and 1996 c 280 s 1 are each amended to read
31 as follows:

32 DEMONSTRATION PROJECTS--SELECTION--PUBLIC INVOLVEMENT. (1) The
33 secretary or a designee shall solicit proposals from, and negotiate and
34 enter into agreements with, private entities to undertake as
35 appropriate, together with the department and other public entities,
36 all or a portion of the study, planning, design, construction,

1 operation, and maintenance of transportation systems and facilities,
2 using in whole or in part public or private sources of financing.

3 The public-private initiatives program may develop up to six
4 demonstration projects. Each proposal shall be weighed on its own
5 merits, and each of the six agreements shall be negotiated
6 individually, and as a stand-alone project.

7 (2) If project proposals selected prior to September 1, 1994, are
8 terminated by the public or private sectors, the department shall not
9 select any new projects, including project proposals submitted to the
10 department prior to September 1, 1994, and designated by the
11 transportation commission as placeholder projects, after June 16, 1995,
12 until June 30, 1997.

13 The department, in consultation with the legislative transportation
14 committee, shall conduct a program and fiscal audit of the public-
15 private initiatives program for the biennium ending June 30, 1997. The
16 department shall submit a progress report to the legislative
17 transportation committee on the program and fiscal audit by June 30,
18 1996, with preliminary and final audit reports due December 1, 1996,
19 and June 30, 1997, respectively.

20 The department shall develop and submit a proposed public
21 involvement plan to the 1997 legislature to identify the process for
22 selecting new potential projects and the associated costs of
23 implementing the plan. The legislature must adopt the public
24 involvement plan before the department may proceed with any activity
25 related to project identification and selection. Following legislative
26 adoption of the public involvement plan, the department is authorized
27 to implement the plan and to identify potential new projects.

28 The public involvement plan for projects selected after June 30,
29 1997, shall, at a minimum, identify projects that: (a) Have the
30 potential of achieving overall public support among users of the
31 projects, residents of communities in the vicinity of the projects, and
32 residents of communities impacted by the projects; (b) meet a state
33 transportation need; (c) provide a significant state benefit; and (d)
34 provide competition among proposers and maximum cost benefits to users.
35 Prospective projects may include projects identified by the department
36 or submitted by the private sector.

37 Projects that meet the minimum criteria established under this
38 section and the requirements of the public involvement plan developed
39 by the department and approved by the legislature shall be submitted to

1 the Washington state transportation commission for its review. The
2 commission, in turn, shall submit a list of eligible projects to the
3 legislative transportation committee for its consideration. Forty-five
4 days after the submission to the legislative transportation committee
5 of the list of eligible projects, the secretary is authorized to
6 solicit proposals for the eligible project.

7 (3) Prior to entering into agreements with private entities under
8 the requirements of RCW 47.46.040 for any project proposal selected
9 before September 1, 1994, or after June 30, 1997, except as provided
10 for in subsections (~~((11) and~~) (12) and (13) of this section, the
11 department shall require an advisory vote as provided under subsections
12 (5) through (10) of this section.

13 (4) The advisory vote shall apply to project proposals selected
14 prior to September 1, 1994, or after June 30, 1997, that receive public
15 opposition as demonstrated by the submission to the department of
16 original petitions bearing at least five thousand signatures of
17 individuals opposing the project collected and submitted in accordance
18 with the dates established in subsections (12) and (13) of this
19 section. The advisory vote shall be on the preferred alternative
20 identified under the requirements of chapter 43.21C RCW and, if
21 applicable, the national environmental policy act, 42 U.S.C. 4321 et
22 seq. The execution by the department of the advisory vote process
23 established in this section is subject to the prior appropriation of
24 funds by the legislature for the purpose of conducting environmental
25 impact studies, a public involvement program, local involvement
26 committee activities, traffic and economic impact analyses, engineering
27 and technical studies, and the advisory vote.

28 (5) In preparing for the advisory vote, the department shall
29 conduct a comprehensive analysis of traffic patterns and economic
30 impact to define the geographical boundary of the project area that is
31 affected by the imposition of tolls or user fees authorized under this
32 chapter. The area so defined is referred to in this section as the
33 affected project area. In defining the affected project area, the
34 department shall, at a minimum, undertake: (a) A comparison of the
35 estimated percentage of residents of communities in the vicinity of the
36 project and in other communities impacted by the project who could be
37 subject to tolls or user fees and the estimated percentage of other
38 users and transient traffic that could be subject to tolls or user
39 fees; (b) an analysis of the anticipated traffic diversion patterns;

1 (c) an analysis of the potential economic impact resulting from
2 proposed toll rates or user fee rates imposed on residents, commercial
3 traffic, and commercial entities in communities in the vicinity of and
4 impacted by the project; (d) an analysis of the economic impact of
5 tolls or user fees on the price of goods and services generally; and
6 (e) an analysis of the relationship of the project to state
7 transportation needs and benefits.

8 (6)(a) After determining the definition of the affected project
9 area, the department shall establish a committee comprised of
10 individuals who represent cities and counties in the affected project
11 area; organizations formed to support or oppose the project; and users
12 of the project. The committee shall be named the public-private local
13 involvement committee, and be known as the local involvement committee.

14 (b) The members of the local involvement committee shall be: (i)
15 An elected official from each city within the affected project area;
16 (ii) an elected official from each county within the affected project
17 area; (iii) two persons from each county within the affected project
18 area who represent an organization formed in support of the project, if
19 the organization exists; (iv) two persons from each county within the
20 affected project area who represent an organization formed to oppose
21 the project, if the organization exists; and (v) four public members
22 active in a statewide transportation organization. If the committee
23 makeup results in an even number of committee members, there shall be
24 an additional appointment of an elected official from the county in
25 which all, or the greatest portion of the project is located.

26 (c) City and county elected officials shall be appointed by a
27 majority of the members of the city or county legislative authorities
28 of each city or county within the affected project area, respectively.
29 The county legislative authority of each county within the affected
30 project area shall identify and validate organizations officially
31 formed in support of or in opposition to the project and shall make the
32 appointments required under this section from a list submitted by the
33 chair of the organizations. Public members shall be appointed by the
34 governor. All appointments to the local involvement committee shall be
35 made and submitted to the department of transportation no later than
36 January 1, 1996, for projects selected prior to September 1, 1994, and
37 no later than thirty days after the affected project area is defined
38 for projects selected after June 30, 1997. Vacancies in the membership
39 of the local involvement committee shall be filled by the appointing

1 authority under (b)(i) through (v) of this subsection for each position
2 on the committee.

3 (d) The local involvement committee shall serve in an advisory
4 capacity to the department on all matters related to the execution of
5 the advisory vote.

6 (e) Members of the local involvement committee serve without
7 compensation and may not receive subsistence, lodging expenses, or
8 travel expenses.

9 (7) The department shall conduct a minimum thirty-day public
10 comment period on the definition of the geographical boundary of the
11 project area. The department, in consultation with the local
12 involvement committee, shall make adjustments, if required, to the
13 definition of the geographical boundary of the affected project area,
14 based on comments received from the public. Within fourteen calendar
15 days after the public comment period, the department shall set the
16 boundaries of the affected project area in units no smaller than a
17 precinct as defined in RCW 29.01.120.

18 (8) The department, in consultation with the local involvement
19 committee, shall develop a description for selected project proposals.
20 After developing the description of the project proposal, the
21 department shall publish the project proposal description in newspapers
22 of general circulation for seven calendar days in the affected project
23 area. Within fourteen calendar days after the last day of the
24 publication of the project proposal description, the department shall
25 transmit a copy of the map depicting the affected project area and the
26 description of the project proposal to the county auditor of the county
27 in which any portion of the affected project area is located.

28 (9) The department shall provide the legislative transportation
29 committee with progress reports on the status of the definition of the
30 affected project area and the description of the project proposal.

31 (10) Upon receipt of the map and the description of the project
32 proposal, the county auditor shall, within thirty days, verify the
33 precincts that are located within the affected project area. The
34 county auditor shall prepare the text identifying and describing the
35 affected project area and the project proposal using the definition of
36 the geographical boundary of the affected project area and the project
37 description submitted by the department and shall set an election date
38 for the submission of a ballot proposition authorizing the imposition
39 of tolls or user fees to implement the proposed project within the

1 affected project area, which date may be the next succeeding general
2 election to be held in the state, or at a special election, if
3 requested by the department. The text of the project proposal must
4 appear in a voter's pamphlet for the affected project area. The
5 department shall pay the costs of publication and distribution. The
6 special election date must be the next date for a special election
7 provided under RCW 29.13.020 that is at least sixty days but, if
8 authorized under RCW 29.13.020, no more than ninety days after the
9 receipt of the final map and project description by the auditor. The
10 department shall pay the cost of an election held under this section.

11 (11) Notwithstanding any other provision of law, the department may
12 contract with a private developer of a selected project proposal to
13 conduct environmental impact studies, a public involvement program, and
14 engineering and technical studies funded by the legislature. For
15 projects subject to this subsection, the department shall not enter
16 into an agreement under RCW 47.46.040 prior to the advisory vote on the
17 preferred alternative.

18 (12) Subsections (5) through (10) of this section shall not apply
19 to project proposals selected prior to September 1, 1994, that have no
20 organized public opposition as demonstrated by the submission to the
21 department of original petitions bearing at least five thousand
22 signatures of individuals opposing the project, collected and submitted
23 after September 1, 1994, and by thirty calendar days after June 16,
24 1995.

25 (13) Subsections (5) through (10) of this section shall not apply
26 to project proposals selected after June 30, 1997, that have no
27 organized public opposition as demonstrated by the submission to the
28 department of original petitions bearing at least five thousand
29 signatures of individuals opposing the project, collected and submitted
30 by ninety calendar days after project selection.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.46 RCW
32 to read as follows:

33 USE OF STATE BONDS ON CERTAIN PROJECTS. (1) To the extent that the
34 legislature specifically appropriates funding for a project developed
35 under this chapter using the proceeds of bonds issued by the state, an
36 agreement for the design or construction of the project entered into by
37 the secretary must incorporate provisions that are consistent with the
38 use of the state financing provided by the appropriation.

1 (2) The secretary shall amend existing agreements or execute new
2 agreements to comply with subsection (1) of this section.

3 (3) If the secretary is unable to reach agreement with other
4 parties on contractual provisions providing for state financing, the
5 secretary shall not enter into an agreement, or shall take no action
6 with respect to an agreement, or shall exercise termination provisions,
7 whichever option in the secretary's determination will result in the
8 lowest net cost to the state.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.46 RCW
10 to read as follows:

11 STATE TOLL FACILITIES AUTHORIZED FOR PPI PROJECTS. The department
12 may provide for the establishment and construction of state toll bridge
13 facilities upon any public highways of this state together with
14 approaches to them under agreements entered into under this chapter to
15 develop such facilities. A state toll bridge facility authorized under
16 this section includes, but is not limited to, the construction of an
17 additional toll bridge, including approaches, adjacent to and within
18 two miles of an existing bridge, the imposition of tolls on both
19 bridges, and the operation of both bridges as one toll facility.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.46 RCW
21 to read as follows:

22 CITIZEN ADVISORY COMMITTEE CREATED. (1) A citizen advisory
23 committee must be created for any project developed under this chapter
24 that imposes toll charges for use of a transportation facility. The
25 governor shall appoint nine members to the committee, all of whom must
26 be permanent residents of the affected project area, as that term is
27 used in RCW 47.46.030.

28 (2) The citizen advisory committee shall serve in an advisory
29 capacity to the commission on all matters related to the imposition of
30 tolls. Members of the committee shall serve without compensation.

31 (3) No toll charge may be imposed or modified unless the citizen
32 advisory committee has been given at least twenty days to review and
33 comment on any proposed toll charge schedule. In setting toll rates,
34 the commission shall give consideration to any recommendations of the
35 citizen advisory committee.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 47.46 RCW
2 to read as follows:

3 COMMISSION TO ESTABLISH TOLL CHARGES. (1) The commission shall fix
4 the rates of toll and other charges for all toll bridges built under
5 this chapter that are financed primarily by bonds issued by the state.
6 Subject to section 6 of this act, the commission may impose and modify
7 toll charges from time to time as conditions warrant.

8 (2) In establishing toll charges, the commission shall give due
9 consideration to any required costs for operating and maintaining the
10 toll bridge or toll bridges, including the cost of insurance, and to
11 any amount required by law to meet the redemption of bonds and interest
12 payments on them.

13 (3) The toll charges must be imposed in amounts sufficient to:

14 (a) Provide annual revenue sufficient to provide for annual
15 operating and maintenance expenses, except as provided in RCW
16 47.56.245;

17 (b) Make payments required under sections 11 and 12 of this act,
18 including insurance costs and the payment of principal and interest on
19 bonds issued for any particular toll bridge or toll bridges; and

20 (c) Repay the motor vehicle fund under sections 8, 11, and 12 of
21 this act.

22 (4) The bond principal and interest payments, including repayment
23 of the motor vehicle fund for amounts transferred from that fund to
24 provide for such principal and interest payments, constitute a first
25 direct and exclusive charge and lien on all tolls and other revenues
26 from the toll bridge concerned, subject to operating and maintenance
27 expenses.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.46 RCW
29 to read as follows:

30 TERM OF TOLLS. (1) The commission shall retain toll charges on any
31 existing and future facilities constructed under this chapter and
32 financed primarily by bonds issued by the state until:

33 (a) All costs of investigation, financing, acquisition of property,
34 and construction advanced from the motor vehicle fund have been fully
35 repaid, except as provided in subsection (2)(b) of this section;

36 (b) Obligations incurred in constructing that facility have been
37 fully paid; and

1 (c) The motor vehicle fund is fully repaid under section 12 of this
2 act.

3 (2) This section does not:

4 (a) Prohibit the use of toll revenues to fund maintenance,
5 operations, or management of facilities constructed under this chapter
6 except as prohibited by RCW 47.56.245;

7 (b) Require repayment of funds specifically appropriated as a
8 nonreimbursable state financial contribution to a project.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.46 RCW
10 to read as follows:

11 TOLL INCREASES IN EXCESS OF FISCAL GROWTH FACTOR. Pursuant to RCW
12 43.135.055, the legislature authorizes the transportation commission to
13 increase bridge tolls in excess of the fiscal growth factor.

14 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.46 RCW
15 to read as follows:

16 USE OF STATE BOND PROCEEDS. Proceeds of the sale of bonds issued
17 by the state for projects constructed under this chapter must be
18 deposited in the state treasury to the credit of a special account
19 designated for those purposes. Those proceeds must be expended only
20 for the purposes enumerated in this chapter, for payment of the expense
21 incurred in the issuance and sale of any such bonds, and to repay the
22 motor vehicle fund for any sums advanced to pay the cost of surveys,
23 location, design, development, right-of-way, and other activities
24 related to the financing and construction of the bridge and its
25 approaches.

26 NEW SECTION. **Sec. 11.** TACOMA NARROWS TOLL BRIDGE ACCOUNT CREATED.
27 A special account to be known as the Tacoma Narrows toll bridge account
28 is created in the motor vehicle fund in the state treasury.

29 (1) Deposits to the account must include:

30 (a) All proceeds of bonds issued for construction of the Tacoma
31 Narrows public-private initiative project, including any capitalized
32 interest;

33 (b) All of the toll charges and other revenues received from the
34 operation of the Tacoma Narrows bridge as a toll facility, to be
35 deposited at least monthly; and

1 (c) Any interest that may be earned from the deposit or investment
2 of those revenues.

3 (2) Proceeds of bonds shall be used consistent with section 10 of
4 this act, including the reimbursement of expenses and fees incurred
5 under agreements entered into under RCW 47.46.040 as required by those
6 agreements.

7 (3) Toll charges, other revenues, and interest may be used to:

8 (a) Pay any required costs of financing, operation, maintenance,
9 and management and necessary repairs of the facility; and

10 (b) Repay amounts to the motor vehicle fund as required under
11 section 12 of this act.

12 (4) When repaying the motor vehicle fund under section 12 of this
13 act, the state treasurer shall transfer funds from the Tacoma Narrows
14 toll bridge account to the motor vehicle fund on or before each debt
15 service date for bonds issued for the Tacoma Narrows public-private
16 initiative project in an amount sufficient to repay the motor vehicle
17 fund for amounts transferred from that fund to the highway bond
18 retirement fund to provide for any bond principal and interest due on
19 that date. The state treasurer may establish subaccounts for the
20 purpose of segregating toll charges, bond sale proceeds, and other
21 revenues.

22 NEW SECTION. Sec. 12. A new section is added to chapter 47.46 RCW
23 to read as follows:

24 TOLL CHARGES REMAIN ON FACILITY TO REPAY MOTOR VEHICLE FUND. Toll
25 charges must be used to repay the motor vehicle fund consistent with
26 section 11 of this act for any amounts transferred from the motor
27 vehicle fund to the highway bond retirement fund under RCW 47.10.847 to
28 provide for bond retirement and interest on bonds issued for the Tacoma
29 Narrows public-private initiative project. Toll charges must remain on
30 any facility financed by bonds issued by the state for a length of time
31 necessary to repay the motor vehicle fund for any amounts expended from
32 that fund for the design, development, right-of-way, financing,
33 construction, maintenance, repair, or operation of the toll facility or
34 for amounts transferred from the motor vehicle fund to the highway bond
35 retirement fund under RCW 47.10.847 to provide for bond retirement and
36 interest on bonds issued for the Tacoma Narrows public-private
37 initiative project. Funds specifically appropriated as a

1 nonreimbursable state financial contribution to the project do not
2 require repayment.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 47.46 RCW
4 to read as follows:

5 ALTERATION DOES NOT CONSTITUTE NEW PROPOSAL. If a proposal is or
6 has been selected for the design, development, construction,
7 maintenance, or operation of transportation systems or facilities under
8 this chapter, subsequent agreements may be made to implement portions
9 of the proposal that modify the proposal or that do not incorporate all
10 the features of the proposal. Any such modified agreement does not
11 require the solicitation or consideration of additional proposals for
12 all or any portion of the services rendered under that modified
13 agreement. Modified agreements may provide for the reimbursement of
14 expenses and fees incurred under earlier agreements.

15 NEW SECTION. **Sec. 14.** A new section is added to chapter 47.46 RCW
16 to read as follows:

17 APPLICABLE RULES AND STATUTES. All projects designed, constructed,
18 and operated under this chapter must comply with all applicable rules
19 and statutes in existence at the time the agreement is executed,
20 including but not limited to the following provisions: Chapter 39.12
21 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and
22 49 C.F.R. Part 21.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 47.46 RCW
24 to read as follows:

25 APPLICATION OF RCW 47.46.040 AND 47.46.050. RCW 47.46.040 and
26 47.46.050 apply only to those agreements that include private sources
27 of financing in whole or in part.

28 **Sec. 16.** RCW 47.46.040 and 2001 c 64 s 14 are each amended to read
29 as follows:

30 DEMONSTRATION PROJECTS--TERMS OF AGREEMENTS--PUBLIC PARTICIPATION.
31 ~~(1) ((All projects designed, constructed, and operated under this~~
32 ~~authority must comply with all applicable rules and statutes in~~
33 ~~existence at the time the agreement is executed, including but not~~
34 ~~limited to the following provisions: Chapter 39.12 RCW, this title,~~
35 ~~RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

1 ~~(2))~~ The secretary or a designee shall consult with legal,
2 financial, and other experts within and outside state government in the
3 negotiation and development of the agreements.

4 ~~((3))~~ (2) Agreements ~~((shall))~~ may provide for private ownership
5 of the projects during the construction period. After completion and
6 final acceptance of each project or discrete segment thereof, the
7 agreement ~~((shall))~~ may provide for state ownership of the
8 transportation systems and facilities and lease to the private entity
9 unless the state elects to provide for ownership of the facility by the
10 private entity during the term of the agreement.

11 The state ~~((shall))~~ may lease each of the demonstration projects,
12 or applicable project segments, to the private entities for operating
13 purposes for up to fifty years.

14 ~~((4))~~ (3) The department may exercise any power possessed by it
15 to facilitate the development, construction, financing operation, and
16 maintenance of transportation projects under this ~~((chapter))~~ section.
17 Agreements for maintenance services entered into under this section
18 shall provide for full reimbursement for services rendered by the
19 department or other state agencies. Agreements for police services for
20 projects, involving state highway routes, developed under agreements
21 shall be entered into with the Washington state patrol. The agreement
22 for police services shall provide that the state patrol will be
23 reimbursed for costs on a comparable basis with the costs incurred for
24 comparable service on other state highway routes. The department may
25 provide services for which it is reimbursed, including but not limited
26 to preliminary planning, environmental certification, and preliminary
27 design of the demonstration projects.

28 ~~((5))~~ (4) The plans and specifications for each project
29 constructed under this section shall comply with the department's
30 standards for state projects. A facility constructed by and leased to
31 a private entity is deemed to be a part of the state highway system for
32 purposes of identification, maintenance, and enforcement of traffic
33 laws and for the purposes of applicable sections of this title. Upon
34 reversion of the facility to the state, the project must meet all
35 applicable state standards. Agreements shall address responsibility
36 for reconstruction or renovations that are required in order for a
37 facility to meet all applicable state standards upon reversion of the
38 facility to the state.

1 (~~(+6)~~) (5) For the purpose of facilitating these projects and to
2 assist the private entity in the financing, development, construction,
3 and operation of the transportation systems and facilities, the
4 agreements may include provisions for the department to exercise its
5 authority, including the lease of facilities, rights of way, and
6 airspace, exercise of the power of eminent domain, granting of
7 development rights and opportunities, granting of necessary easements
8 and rights of access, issuance of permits and other authorizations,
9 protection from competition, remedies in the event of default of either
10 of the parties, granting of contractual and real property rights,
11 liability during construction and the term of the lease, authority to
12 negotiate acquisition of rights of way in excess of appraised value,
13 and any other provision deemed necessary by the secretary.

14 (~~(+7)~~) (6) The agreements entered into under this section may
15 include provisions authorizing the state to grant necessary easements
16 and lease to a private entity existing rights of way or rights of way
17 subsequently acquired with public or private financing. The agreements
18 may also include provisions to lease to the entity airspace above or
19 below the right of way associated or to be associated with the private
20 entity's transportation facility. In consideration for the reversion
21 rights in these privately constructed facilities, the department may
22 negotiate a charge for the lease of airspace rights during the term of
23 the agreement for a period not to exceed fifty years. If, after the
24 expiration of this period, the department continues to lease these
25 airspace rights to the private entity, it shall do so only at fair
26 market value. The agreement may also provide the private entity the
27 right of first refusal to undertake projects utilizing airspace owned
28 by the state in the vicinity of the public-private project.

29 (~~(+8)~~) (7) Agreements under this section may include any
30 contractual provision that is necessary to protect the project revenues
31 required to repay the costs incurred to study, plan, design, finance,
32 acquire, build, install, operate, enforce laws, and maintain toll
33 highways, bridges, and tunnels and which will not unreasonably inhibit
34 or prohibit the development of additional public transportation systems
35 and facilities. Agreements under this section must secure and maintain
36 liability insurance coverage in amounts appropriate to protect the
37 project's viability and may address state indemnification of the
38 private entity for design and construction liability where the state
39 has approved relevant design and construction plans.

1 (~~(9)~~) (8) Agreements entered into under this section shall
2 include a process that provides for public involvement in decision
3 making with respect to the development of the projects.

4 (~~(10)~~) (9)(a) In carrying out the public involvement process
5 required in subsection (~~(9)~~) (8) of this section, the private entity
6 shall proactively seek public participation through a process
7 appropriate to the characteristics of the project that assesses and
8 demonstrates public support among: Users of the project, residents of
9 communities in the vicinity of the project, and residents of
10 communities impacted by the project.

11 (b) The private entity shall conduct a comprehensive public
12 involvement process that provides, periodically throughout the
13 development and implementation of the project, users and residents of
14 communities in the affected project area an opportunity to comment upon
15 key issues regarding the project including, but not limited to: (i)
16 Alternative sizes and scopes; (ii) design; (iii) environmental
17 assessment; (iv) right of way and access plans; (v) traffic impacts;
18 (vi) tolling or user fee strategies and tolling or user fee ranges;
19 (vii) project cost; (viii) construction impacts; (ix) facility
20 operation; and (x) any other salient characteristics.

21 (c) If the affected project area has not been defined, the private
22 entity shall define the affected project area by conducting, at a
23 minimum: (i) A comparison of the estimated percentage of residents of
24 communities in the vicinity of the project and in other communities
25 impacted by the project who could be subject to tolls or user fees and
26 the estimated percentage of other users and transient traffic that
27 could be subject to tolls or user fees; (ii) an analysis of the
28 anticipated traffic diversion patterns; (iii) an analysis of the
29 potential economic impact resulting from proposed toll rates or user
30 fee rates imposed on residents, commercial traffic, and commercial
31 entities in communities in the vicinity of and impacted by the project;
32 (iv) an analysis of the economic impact of tolls or user fees on the
33 price of goods and services generally; and (v) an analysis of the
34 relationship of the project to state transportation needs and benefits.

35 The agreement may require an advisory vote by users of and
36 residents in the affected project area.

37 (d) In seeking public participation, the private entity shall
38 establish a local involvement committee or committees comprised of
39 residents of the affected project area, individuals who represent

1 cities and counties in the affected project area, organizations formed
2 to support or oppose the project, if such organizations exist, and
3 users of the project. The private entity shall, at a minimum,
4 establish a committee as required under the specifications of RCW
5 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall
6 be made no later than thirty days after the project area is defined.

7 (e) Local involvement committees shall act in an advisory capacity
8 to the department and the private entity on all issues related to the
9 development and implementation of the public involvement process
10 established under this section.

11 (f) The department and the private entity shall provide the
12 legislative transportation committee and local involvement committees
13 with progress reports on the status of the public involvement process
14 including the results of an advisory vote, if any occurs.

15 (~~((11))~~) (10) Nothing in this chapter limits the right of the
16 secretary and his or her agents to render such advice and to make such
17 recommendations as they deem to be in the best interests of the state
18 and the public.

19 **Sec. 17.** RCW 47.46.050 and 1995 2nd sp.s. c 19 s 4 are each
20 amended to read as follows:

21 FINANCIAL ARRANGEMENTS. (1) The department may enter into
22 agreements using federal, state, and local financing in connection with
23 the projects, including without limitation, grants, loans, and other
24 measures authorized by section 1012 of ISTEPA, and to do such things as
25 necessary and desirable to maximize the funding and financing,
26 including the formation of a revolving loan fund to implement this
27 section.

28 (2) Agreements entered into under this section (~~shall~~) may
29 authorize the private entity to lease the facilities within a
30 designated area or areas from the state and to impose user fees or
31 tolls within the designated area to allow a reasonable rate of return
32 on investment, as established through a negotiated agreement between
33 the state and the private entity. The negotiated agreement shall
34 determine a maximum development fee and, where appropriate, a maximum
35 rate of return on investment, based on project and financing
36 characteristics. If the negotiated rate of return on investment or
37 development fee is not affected, the private entity may establish and
38 modify toll rates and user fees.

1 (3) Agreements that include a maximum rate of return may establish
2 "incentive" rates of return beyond the negotiated maximum rate of
3 return on investment. The incentive rates of return shall be designed
4 to provide financial benefits to the affected public jurisdictions and
5 the private entity, given the attainment of various safety,
6 performance, or transportation demand management goals. The incentive
7 rates of return shall be negotiated in the agreement.

8 (4) Agreements shall require that over the term of the ownership or
9 lease the user fees or toll revenues be applied only to payment of
10 ~~((the private entity's))~~:

11 (a) The capital outlay costs for the project, including ~~((project~~
12 ~~development costs, interest expense,))~~ the costs associated with
13 planning, design, development, financing, construction, improvement,
14 operations, toll collection, maintenance, and administration of the
15 project~~(())~~;

16 (b) The reimbursement to the state for all costs associated with an
17 election as required under RCW 47.46.030, the costs of project review
18 and oversight, and technical and law enforcement services~~(())~~;

19 (c) The establishment of a fund to assure the adequacy of
20 maintenance expenditures~~(())~~; and

21 (d) A reasonable return on investment to the private entity. A
22 negotiated agreement shall not extend the term of the ownership or
23 lease beyond the period of time required for payment of the private
24 entity's capital outlay costs for the project under this subsection.

25 **Sec. 18.** RCW 47.46.060 and 1998 c 179 s 4 are each amended to read
26 as follows:

27 DEFERRAL OF TAXES. (1) Any person, including the department of
28 transportation and any private entity ~~((that is party to an agreement~~
29 ~~under this chapter))~~ or entities, may apply for deferral of taxes on
30 the site preparation for, the construction of, the acquisition of any
31 related machinery and equipment which will become a part of, and the
32 rental of equipment for use in the state route number 16 corridor
33 improvements project under this chapter. Application shall be made to
34 the department of revenue in a form and manner prescribed by the
35 department of revenue. The application shall contain information
36 regarding estimated or actual costs, time schedules for completion and
37 operation, and other information required by the department of revenue.

1 The department of revenue shall approve the application within sixty
2 days if it meets the requirements of this section.

3 (2) The department of revenue shall issue a sales and use tax
4 deferral certificate for state and local sales and use taxes due under
5 chapters 82.08, 82.12, and 82.14 RCW on the project. (~~The use of the
6 certificate shall be governed by rules established by the department of
7 revenue.~~)

8 (3) The department of transportation or a private entity granted a
9 tax deferral under this section shall begin paying the deferred taxes
10 in the fifth year after the date certified by the department of revenue
11 as the date on which the project is operationally complete. The first
12 payment is due on December 31st of the fifth calendar year after such
13 certified date, with subsequent annual payments due on December 31st of
14 the following nine years. Each payment shall equal ten percent of the
15 deferred tax. The project is operationally complete under this section
16 when the collection of tolls is commenced for the state route number 16
17 improvements covered by the deferral.

18 (4) The department of revenue may authorize an accelerated
19 repayment schedule upon request of the department of transportation or
20 a private entity granted a deferral under this section.

21 (5) Interest shall not be charged on any taxes deferred under this
22 section for the period of deferral, although all other penalties and
23 interest applicable to delinquent excise taxes may be assessed and
24 imposed for delinquent payments under this section. The debt for
25 deferred taxes is not extinguished by insolvency or other failure of
26 the private entity. Transfer of ownership does not terminate the
27 deferral.

28 (6) Applications and any other information received by the
29 department of revenue under this section are not confidential and are
30 subject to disclosure. Chapter 82.32 RCW applies to the administration
31 of this section.

32 **Sec. 19.** RCW 47.56.030 and 2001 c 59 s 1 are each amended to read
33 as follows:

34 DEPARTMENT'S POWERS AND DUTIES REGARDING TOLL FACILITIES. (1)
35 Except as permitted under chapter 47.46 RCW:

36 (a) The department of transportation shall have full charge of the
37 construction of all toll bridges and other toll facilities including

1 the Washington state ferries, and the operation and maintenance
2 thereof.

3 (b) The transportation commission shall determine and establish the
4 tolls and charges thereon, and shall perform all duties and exercise
5 all powers relating to the financing, refinancing, and fiscal
6 management of all toll bridges and other toll facilities including the
7 Washington state ferries, and bonded indebtedness in the manner
8 provided by law.

9 (c) The department shall have full charge of design of all toll
10 facilities.

11 (d) Except as provided in this section, the department shall
12 proceed with the construction of such toll bridges and other facilities
13 and the approaches thereto by contract in the manner of state highway
14 construction immediately upon there being made available funds for such
15 work and shall prosecute such work to completion as rapidly as
16 practicable. The department is authorized to negotiate contracts for
17 any amount without bid under ~~((a))~~ (d)(i) and ~~((b))~~ (ii) of this
18 subsection:

19 ~~((a))~~ (i) Emergency contracts, in order to make repairs to
20 ferries or ferry terminal facilities or removal of such facilities
21 whenever continued use of ferries or ferry terminal facilities
22 constitutes a real or immediate danger to the traveling public or
23 precludes prudent use of such ferries or facilities; and

24 ~~((b))~~ (ii) Single source contracts for vessel dry dockings, when
25 there is clearly and legitimately only one available bidder to conduct
26 dry dock-related work for a specific class or classes of vessels. The
27 contracts may be entered into for a single vessel dry docking or for
28 multiple vessel dry dockings for a period not to exceed two years.

29 (2) The department shall proceed with the procurement of materials,
30 supplies, services, and equipment needed for the support, maintenance,
31 and use of a ferry, ferry terminal, or other facility operated by
32 Washington state ferries, in accordance with chapter 43.19 RCW except
33 as follows:

34 (a) Except as provided in (d) of this subsection, when the
35 secretary of the department of transportation determines in writing
36 that the use of invitation for bid is either not practicable or not
37 advantageous to the state and it may be necessary to make competitive
38 evaluations, including technical or performance evaluations among
39 acceptable proposals to complete the contract award, a contract may be

1 entered into by use of a competitive sealed proposals method, and a
2 formal request for proposals solicitation. Such formal request for
3 proposals solicitation shall include a functional description of the
4 needs and requirements of the state and the significant factors.

5 (b) When purchases are made through a formal request for proposals
6 solicitation the contract shall be awarded to the responsible proposer
7 whose competitive sealed proposal is determined in writing to be the
8 most advantageous to the state taking into consideration price and
9 other evaluation factors set forth in the request for proposals. No
10 significant factors may be used in evaluating a proposal that are not
11 specified in the request for proposals. Factors that may be considered
12 in evaluating proposals include but are not limited to: Price;
13 maintainability; reliability; commonality; performance levels; life
14 cycle cost if applicable under this section; cost of transportation or
15 delivery; delivery schedule offered; installation cost; cost of spare
16 parts; availability of parts and service offered; and the following:

17 (i) The ability, capacity, and skill of the proposer to perform the
18 contract or provide the service required;

19 (ii) The character, integrity, reputation, judgment, experience,
20 and efficiency of the proposer;

21 (iii) Whether the proposer can perform the contract within the time
22 specified;

23 (iv) The quality of performance of previous contracts or services;

24 (v) The previous and existing compliance by the proposer with laws
25 relating to the contract or services;

26 (vi) Objective, measurable criteria defined in the request for
27 proposal. These criteria may include but are not limited to items such
28 as discounts, delivery costs, maintenance services costs, installation
29 costs, and transportation costs; and

30 (vii) Such other information as may be secured having a bearing on
31 the decision to award the contract.

32 (c) When purchases are made through a request for proposal process,
33 proposals received shall be evaluated based on the evaluation factors
34 set forth in the request for proposal. When issuing a request for
35 proposal for the procurement of propulsion equipment or systems that
36 include an engine, the request for proposal must specify the use of a
37 life cycle cost analysis that includes an evaluation of fuel
38 efficiency. When a life cycle cost analysis is used, the life cycle
39 cost of a proposal shall be given at least the same relative importance

1 as the initial price element specified in the request of proposal
2 documents. The department may reject any and all proposals received.
3 If the proposals are not rejected, the award shall be made to the
4 proposer whose proposal is most advantageous to the department,
5 considering price and the other evaluation factors set forth in the
6 request for proposal.

7 (d) If the department is procuring large equipment or systems
8 (e.g., electrical, propulsion) needed for the support, maintenance, and
9 use of a ferry operated by Washington state ferries, the department
10 shall proceed with a formal request for proposal solicitation under
11 this subsection (2) without a determination of necessity by the
12 secretary.

13 **Sec. 20.** RCW 47.56.270 and 1983 c 3 s 129 are each amended to read
14 as follows:

15 LAKE WASHINGTON AND 1950 TACOMA NARROWS BRIDGE MADE PART OF PRIMARY
16 HIGHWAYS. The Lake Washington bridge and the 1950 Tacoma Narrows
17 bridge in chapter 47.17 RCW made a part of the primary state highways
18 of the state of Washington, shall, upon completion, be operated,
19 maintained, kept up, and repaired by the department in the manner
20 provided in this chapter, and the cost of such operation, maintenance,
21 upkeep, and repair shall be paid from funds appropriated for the use of
22 the department for the construction and maintenance of the primary
23 state highways of the state of Washington. This section does not apply
24 to that portion of the Tacoma Narrows bridge facility first opened to
25 traffic after the effective date of this act.

26 **Sec. 21.** RCW 47.56.271 and 1983 c 3 s 130 are each amended to read
27 as follows:

28 1950 TACOMA NARROWS BRIDGE TO REMAIN TOLL-FREE--EXCEPTION. Except
29 as otherwise provided in this section, the 1950 Tacoma Narrows bridge
30 hereinbefore by the provisions of RCW 47.17.065 and 47.56.270 made a
31 part of the primary state highways of the state shall be operated and
32 maintained by the department as a toll-free facility at such time as
33 the ((present)) bonded indebtedness relating ((thereto)) to the
34 construction of the 1950 Tacoma Narrows bridge is wholly retired and
35 tolls equaling the ((present)) indebtedness of the toll bridge
36 authority incurred for the construction of the 1950 Tacoma Narrows
37 bridge to the county of Pierce have been collected. ((It is the

1 ~~express intent of the legislature that the provisions of RCW 47.56.245~~
2 ~~(section 47.56.245, chapter 13, Laws of 1961) shall not be applicable~~
3 ~~to the Tacoma Narrows bridge.))~~ Toll charges may be imposed upon the
4 1950 Tacoma Narrows bridge only if that bridge is included as part of
5 a public toll bridge facility that includes an additional toll bridge
6 adjacent to the 1950 Tacoma Narrows bridge and constructed under
7 section 5 of this act.

8 **Sec. 22.** RCW 39.46.070 and 1983 c 167 s 7 are each amended to read
9 as follows:

10 BONDS--PAYMENT OF COSTS OF ISSUANCE AND SALE. (1) Except as
11 provided in subsection (2) of this section, the proceeds of any bonds
12 issued by the state or a local government may be used to pay incidental
13 costs and costs related to the sale and issuance of the bonds. Such
14 costs include payments for fiscal and legal expenses, obtaining bond
15 ratings, printing, engraving, advertising, establishing and funding
16 reserve accounts and other accounts, an amount for working capital,
17 capitalized interest for up to six months after completion of
18 construction, necessary and related engineering, architectural,
19 planning, and inspection costs, and other similar activities or
20 purposes.

21 (2) In addition to the costs enumerated in subsection (1) of this
22 section, costs authorized under this section include capitalized
23 interest for up to seventy-two months from the date of issuance for
24 bonds issued by the state for the construction of a public toll bridge
25 under chapter 47.46 RCW.

26 **Sec. 23.** RCW 47.56.245 and 1984 c 7 s 267 are each amended to read
27 as follows:

28 TOLL CHARGES RETAINED UNTIL COSTS PAID. The department shall
29 retain toll charges on all existing and future facilities until all
30 costs of investigation, financing, acquisition of property, and
31 construction advanced from the motor vehicle fund, and obligations
32 incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been
33 fully paid.

34 (1) Except as provided in subsection (2) of this section, with
35 respect to every facility completed after March 19, 1953, costs of
36 maintenance(~~(, management,)~~) and operation shall be paid periodically
37 out of the revenues of the facility in which such costs were incurred.

1 (2) Where a state toll facility is constructed under chapter 47.46
2 RCW adjacent to or within two miles of an existing bridge that was
3 constructed under this chapter, revenue from the toll facility may not
4 be used to pay for costs of maintenance on the existing bridge.

5 **Sec. 24.** RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273
6 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended
7 to read as follows:

8 (1) All earnings of investments of surplus balances in the state
9 treasury shall be deposited to the treasury income account, which
10 account is hereby established in the state treasury.

11 (2) The treasury income account shall be utilized to pay or receive
12 funds associated with federal programs as required by the federal cash
13 management improvement act of 1990. The treasury income account is
14 subject in all respects to chapter 43.88 RCW, but no appropriation is
15 required for refunds or allocations of interest earnings required by
16 the cash management improvement act. Refunds of interest to the
17 federal treasury required under the cash management improvement act
18 fall under RCW 43.88.180 and shall not require appropriation. The
19 office of financial management shall determine the amounts due to or
20 from the federal government pursuant to the cash management improvement
21 act. The office of financial management may direct transfers of funds
22 between accounts as deemed necessary to implement the provisions of the
23 cash management improvement act, and this subsection. Refunds or
24 allocations shall occur prior to the distributions of earnings set
25 forth in subsection (4) of this section.

26 (3) Except for the provisions of RCW 43.84.160, the treasury income
27 account may be utilized for the payment of purchased banking services
28 on behalf of treasury funds including, but not limited to, depository,
29 safekeeping, and disbursement functions for the state treasury and
30 affected state agencies. The treasury income account is subject in all
31 respects to chapter 43.88 RCW, but no appropriation is required for
32 payments to financial institutions. Payments shall occur prior to
33 distribution of earnings set forth in subsection (4) of this section.

34 (4) Monthly, the state treasurer shall distribute the earnings
35 credited to the treasury income account. The state treasurer shall
36 credit the general fund with all the earnings credited to the treasury
37 income account except:

1 (a) The following accounts and funds shall receive their
2 proportionate share of earnings based upon each account's and fund's
3 average daily balance for the period: The capitol building
4 construction account, the Cedar River channel construction and
5 operation account, the Central Washington University capital projects
6 account, the charitable, educational, penal and reformatory
7 institutions account, the common school construction fund, the county
8 criminal justice assistance account, the county sales and use tax
9 equalization account, the data processing building construction
10 account, the deferred compensation administrative account, the deferred
11 compensation principal account, the department of retirement systems
12 expense account, the drinking water assistance account, the drinking
13 water assistance administrative account, the drinking water assistance
14 repayment account, the Eastern Washington University capital projects
15 account, the education construction fund, the emergency reserve fund,
16 the federal forest revolving account, the health services account, the
17 public health services account, the health system capacity account, the
18 personal health services account, the state higher education
19 construction account, the higher education construction account, the
20 highway infrastructure account, the industrial insurance premium refund
21 account, the judges' retirement account, the judicial retirement
22 administrative account, the judicial retirement principal account, the
23 local leasehold excise tax account, the local real estate excise tax
24 account, the local sales and use tax account, the medical aid account,
25 the mobile home park relocation fund, the multimodal transportation
26 account, the municipal criminal justice assistance account, the
27 municipal sales and use tax equalization account, the natural resources
28 deposit account, the oyster reserve land account, the perpetual
29 surveillance and maintenance account, the public employees' retirement
30 system plan 1 account, the public employees' retirement system combined
31 plan 2 and plan 3 account, the public health supplemental account, the
32 Puyallup tribal settlement account, the resource management cost
33 account, the site closure account, the special wildlife account, the
34 state employees' insurance account, the state employees' insurance
35 reserve account, the state investment board expense account, the state
36 investment board commingled trust fund accounts, the supplemental
37 pension account, the Tacoma Narrows toll bridge account, the teachers'
38 retirement system plan 1 account, the teachers' retirement system
39 combined plan 2 and plan 3 account, the tobacco prevention and control

1 account, the tobacco settlement account, the transportation
2 infrastructure account, the tuition recovery trust fund, the University
3 of Washington bond retirement fund, the University of Washington
4 building account, the volunteer fire fighters' and reserve officers'
5 relief and pension principal fund, the volunteer fire fighters' and
6 reserve officers' administrative fund, the Washington fruit express
7 account, the Washington judicial retirement system account, the
8 Washington law enforcement officers' and fire fighters' system plan 1
9 retirement account, the Washington law enforcement officers' and fire
10 fighters' system plan 2 retirement account, the Washington school
11 employees' retirement system combined plan 2 and 3 account, the
12 Washington state health insurance pool account, the Washington state
13 patrol retirement account, the Washington State University building
14 account, the Washington State University bond retirement fund, the
15 water pollution control revolving fund, and the Western Washington
16 University capital projects account. Earnings derived from investing
17 balances of the agricultural permanent fund, the normal school
18 permanent fund, the permanent common school fund, the scientific
19 permanent fund, and the state university permanent fund shall be
20 allocated to their respective beneficiary accounts. All earnings to be
21 distributed under this subsection (4)(a) shall first be reduced by the
22 allocation to the state treasurer's service fund pursuant to RCW
23 43.08.190.

24 (b) The following accounts and funds shall receive eighty percent
25 of their proportionate share of earnings based upon each account's or
26 fund's average daily balance for the period: The aeronautics account,
27 the aircraft search and rescue account, the county arterial
28 preservation account, the department of licensing services account, the
29 essential rail assistance account, the ferry bond retirement fund, the
30 grade crossing protective fund, the high capacity transportation
31 account, the highway bond retirement fund, the highway safety account,
32 the motor vehicle fund, the motorcycle safety education account, the
33 pilotage account, the public transportation systems account, the Puget
34 Sound capital construction account, the Puget Sound ferry operations
35 account, the recreational vehicle account, the rural arterial trust
36 account, the safety and education account, the special category C
37 account, the state patrol highway account, the transportation equipment
38 fund, the transportation fund, the transportation improvement account,

1 the transportation improvement board bond retirement account, and the
2 urban arterial trust account.

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

6 NEW SECTION. **Sec. 25.** A new section is added to chapter 47.46 RCW
7 to read as follows:

8 LEGISLATIVE OVERSIGHT COMMITTEE. A legislative oversight committee
9 is established to monitor and report on the progress, execution, and
10 efficiency of design-build contracts issued under this chapter. The
11 legislative oversight committee will be comprised of one legislator
12 from each caucus of each chamber of the legislature. The leadership of
13 each caucus shall appoint one member from his or her respective caucus
14 to serve on the legislative oversight committee authorized by this
15 section.

16 NEW SECTION. **Sec. 26.** CAPTIONS. Captions used in this act do not
17 constitute any part of the law.

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