
THIRD ENGROSSED SUBSTITUTE SENATE BILL 5327

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, West and Gardner; by request of Governor Locke)

READ FIRST TIME 03/22/01.

1 AN ACT Relating to transportation funding and appropriations;
2 amending RCW 43.84.092 and 43.84.092; adding a new section to chapter
3 47.04 RCW; adding a new section to chapter 47.01 RCW; creating new
4 sections; making appropriations and authorizing expenditures for
5 capital improvements; providing an effective date; providing an
6 expiration date; and declaring an emergency.

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

8 **2001-03 BIENNIUM**

9 NEW SECTION. **Sec. 1.** (1) The transportation budget of the state
10 is hereby adopted and, subject to the provisions set forth, the several
11 amounts specified, or as much thereof as may be necessary to accomplish
12 the purposes designated, are hereby appropriated from the several
13 accounts and funds named to the designated state agencies and offices
14 for employee compensation and other expenses, for capital projects, and
15 for other specified purposes, including the payment of any final
16 judgments arising out of such activities, for the period ending June
17 30, 2003.

1 (2) Legislation with fiscal impacts enacted in the 2001 legislative
2 session not assumed in this act are not funded in the 2001-03
3 transportation budget.

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

6 (a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending
7 June 30, 2002.

8 (b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending
9 June 30, 2003.

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

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

13 (e) "Provided solely" means the specified amount may be spent only
14 for the specified purpose.

15 (f) "Performance-based budgeting" means a budget that bases
16 resource needs on quantified outcomes and results expected from use of
17 the total appropriation. "Performance-based budgeting" does not mean
18 incremental budgeting that focuses on justifying changes from the
19 historic budget or to line-item input-driven budgets.

20 (g) "Goals" means the statements of purpose that identify a desired
21 result or outcome. The statements shall be realistic, achievable,
22 directive, assignable, evaluative, and logically linked to the agency's
23 mission and statutory mandate.

24 (h) "Strategic plan" means the strategies agencies create for
25 investment choices in the future. All agency strategic plans shall
26 present alternative investment strategies for providing services.

27 **GENERAL GOVERNMENT AGENCIES--OPERATING**

28 **NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

29 Motor Vehicle Account--State Appropriation \$ 305,000

30 The appropriation in this section is subject to the following
31 conditions and limitations and specified amounts are provided solely
32 for that activity: The entire appropriation is provided solely for
33 costs associated with the motor fuel quality program.

34 **NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND**
35 **ACCOUNTABILITY PROGRAM**

36 Motor Vehicle Account--State Appropriation \$ 488,000

1 requests. The committee may contract for consulting services in
2 conducting the study. The study final report shall be submitted to the
3 appropriate committees of the legislature by December 31, 2001.

4 A joint workgroup of representatives from the state patrol, office
5 of financial management, and department of information systems shall
6 review future state patrol technology plans or budget reports for
7 consistency with the recommendations identified by this study.

8 **GENERAL GOVERNMENT AGENCIES--CAPITAL**

9 NEW SECTION. **Sec. 107. FOR WASHINGTON STATE PARKS AND**
10 **RECREATION--CAPITAL PROJECTS**

11 Motor Vehicle Account--State Appropriation \$ 763,000

12 (End of part)

1 **TRANSPORTATION AGENCIES**

2 NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY**
3 **COMMISSION**

4 Highway Safety Account--State Appropriation . . . \$	1,638,000
5 Highway Safety Account--Federal Appropriation . . \$	5,671,000
6 School Zone Safety Account--State Appropriation . \$	1,504,000
7 TOTAL APPROPRIATION \$	8,813,000

8 The appropriations in this section are subject to the following
9 conditions and limitations and specified amounts are provided solely
10 for that activity: The Washington traffic safety commission may
11 oversee no more than four pilot projects implementing the use of
12 traffic safety cameras at school zones, railroad crossings,
13 construction zones or stoplights, and no more than one pilot project
14 regarding the use of traffic safety cameras in residential
15 neighborhoods, at school zones, railroad crossings, construction zones,
16 or stoplights.

17 (1) In order to ensure adequate time in the 2001-03 biennium to
18 evaluate the effectiveness of the pilot program, any programs
19 authorized by the commission must be authorized by December 31, 2001.

20 (2) If the state, a county, or a city has established an authorized
21 traffic safety camera pilot program under this section, the
22 compensation paid to the manufacturer or vendor of the equipment used:
23 Must be based upon the value of the equipment and services provided or
24 rendered in support of the system; and may not be based upon a portion
25 of the fine or civil penalty imposed or the revenue generated by the
26 equipment.

27 (3) The traffic safety commission shall use the following
28 guidelines to administer the program:

29 (a) Traffic safety cameras may take pictures of the vehicle and
30 vehicle license plate only;

31 (b) The law enforcement agency of the city or county government
32 shall plainly mark the locations where the automated traffic
33 enforcement system is used by placing signs on street locations that
34 clearly indicate to a driver that he or she is entering a zone where
35 traffic laws are enforced by an automated traffic enforcement system;

1 (c) Cities and counties using traffic safety cameras must provide
2 periodic notice by mail to its citizens indicating the zones in which
3 the traffic safety cameras will be used;

4 (d) Notices of infractions must be mailed to the registered owner
5 of a vehicle within fourteen days of the infraction occurring;

6 (e) The owner of the vehicle is not responsible for the violation
7 if the owner of the vehicle, within fifteen days after notification of
8 the violation, furnishes the officials or agents of the municipality
9 that issued the citation with:

10 (i) An affidavit made under oath, stating that the vehicle involved
11 was, at the time, stolen or in the care, custody, or control of some
12 person other than the registered owner; or

13 (ii) Testimony in open court under oath that the person was not the
14 operator of the vehicle at the time of the alleged violation;

15 (f) Infractions detected through the use of traffic safety cameras
16 are not part of the registered owner's driving record under RCW
17 46.52.101 and 46.52.120; and

18 (g) By January 1, 2003, the traffic safety commission shall provide
19 a report to the legislature regarding the use, public acceptance,
20 outcomes, and other relevant issues regarding traffic safety cameras
21 demonstrated by the pilot projects.

22 NEW SECTION. **Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

23 Pilotage Account--State Appropriation \$ 305,000

24 NEW SECTION. **Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

25 Rural Arterial Trust Account--State

26 Appropriation \$ 50,182,000

27 Motor Vehicle Account--State Appropriation . . . \$ 1,887,000

28 County Arterial Preservation Account--

29 State Appropriation \$ 28,551,000

30 TOTAL APPROPRIATION \$ 80,620,000

31 The appropriations in this section are subject to the following
32 conditions and limitations and specified amounts are provided solely
33 for that activity:

34 It is the intent of the legislature that the county road
35 administration board receive separate programmatic appropriations for
36 the operating program and the capital program for the 2001-03 biennium,

1 and thereafter. Agency administrative costs may not be charged against
2 projects or funded from the capital program appropriations.

3 (1) \$1,540,000 of the motor vehicle account--state appropriation,
4 \$870,000 of the county arterial preservation account--state
5 appropriation, and \$917,000 of the rural arterial trust account--state
6 appropriation are provided for the operations program. Of the motor
7 vehicle account--state appropriation, \$368,000 is provided for county
8 ferries as set forth in RCW 47.56.724(4).

9 (2) \$347,000 of the motor vehicle account--state appropriation,
10 \$27,681,000 of the county arterial preservation account--state
11 appropriation, and \$49,265,000 of the rural arterial trust
12 account--state appropriation are provided for the capital program.

13 NEW SECTION. **Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

14	Urban Arterial Trust Account--State	
15	Appropriation	\$ 94,690,000
16	Transportation Improvement Account--	
17	State Appropriation	\$ 118,605,000
18	TOTAL APPROPRIATION	\$ 213,295,000

19 The appropriations in this section are subject to the following
20 conditions and limitations and specified amounts are provided solely
21 for that activity:

22 It is the intent of the legislature that the transportation
23 improvement board receive separate programmatic appropriations for the
24 operating program and the capital program for the 2001-03 biennium, and
25 thereafter. Agency administrative costs may not be charged against
26 projects or funded from the capital program appropriations.

27 (1) \$1,551,000 of the transportation improvement account--state
28 appropriation and \$1,552,000 of the urban arterial trust account--state
29 appropriation are provided for the operations program.

30 (2) \$117,054,000 of the transportation improvement account--state
31 appropriation and \$93,138,000 of the urban arterial trust
32 account--state appropriation are provided for the capital program.

33 (3) The transportation improvement account--state appropriation
34 includes \$47,325,000 in proceeds from the sale of bonds authorized in
35 RCW 47.26.500. The transportation improvement board may authorize the
36 use of current revenues available to the agency in-lieu of bond
37 proceeds for any part of the state appropriation.

1 NEW SECTION. **Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION**
2 **COMMITTEE**

3 Motor Vehicle Account--State Appropriation . . . \$ 3,746,000

4 The appropriation in this section is subject to the following
5 conditions and limitations and specified amounts are provided solely
6 for that activity:

7 (1) \$2,467,000 of the motor vehicle account--state appropriation is
8 provided for the operation of the house of representatives
9 transportation committee.

10 (2) To the extent possible, this appropriation shall utilize funds
11 allocated under RCW 46.68.110(2).

12 (3) The house of representatives transportation committee shall
13 conduct a study of the use of motorized scooters. The study shall, at
14 a minimum, identify and analyze the safety issues associated with use
15 of motorized scooters, including use by children, commuters, and the
16 disabled. House of representatives transportation committee cochairs
17 shall each appoint one member from their respective caucus to serve as
18 cochair of the study group. The chair of the senate transportation
19 committee may also appoint two members from the senate transportation
20 committee, one from each caucus, to participate in the study. The
21 study shall be staffed by house of representatives transportation
22 committee staff. The study group shall report back to the house of
23 representatives transportation committee by January 1, 2002.

24 (4) The house of representatives transportation committee shall
25 conduct a study of the effect of the weight of fire-fighting apparatus
26 on state roadways. The study shall determine, at a minimum, the
27 various types of fire-fighting apparatus currently in use on state
28 roadways; the size, weight and load effect of fire-fighting apparatus
29 that are currently in use or that potentially could be in use on the
30 state roadways, as well as on state bridges; and the effect on public
31 safety. The study may examine state and federal laws that affect fire-
32 fighting apparatuses. House of representatives transportation
33 committee cochairs shall each appoint one member from their respective
34 caucus to serve as cochair of the study group. The study shall be
35 staffed by house of representatives transportation committee staff.
36 The study group will report back to the house of representatives
37 transportation committee by January 1, 2002.

38 (5) The legislative transportation committee shall conduct a
39 feasibility study of potential for economic partnerships between the

1 Washington state ferries and local government entities, including but
2 not limited to port districts. The study is intended to improve ferry
3 terminals. The study shall, at a minimum, identify the market,
4 physical, and economic factors that should be examined in determining
5 whether an economic or commercial development partnership project on or
6 around Washington state ferry terminals is likely to produce revenue
7 for the partners. The study shall apply those factors to an analysis
8 of each terminal used by Washington state ferries and recommend whether
9 further exploration of state and local partnerships would be of
10 potential economic benefit to the partners. The entity selected to
11 perform the study through the request for proposals process will report
12 back to the transportation committees of the legislature by December 1,
13 2001.

14 NEW SECTION. **Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

15 Puget Sound Ferry Operations Account--

16 State Appropriation \$ 332,000

17 NEW SECTION. **Sec. 207. FOR THE TRANSPORTATION COMMISSION**

18 Motor Vehicle Account--State Appropriation . . . \$ 773,000

19 NEW SECTION. **Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC**
20 **INVESTMENT BOARD**

21 Motor Vehicle Account--State Appropriation . . . \$ 697,000

22 The appropriation in this section is subject to the following
23 conditions and limitations and specified amounts are provided solely
24 for that activity: \$100,000 of the motor vehicle account--state
25 appropriation is provided solely for a comprehensive, long-term,
26 statewide freight needs analysis. These funds represent 20 percent of
27 the biennial cost and shall lapse if the additional 80 percent funding
28 is not secured from partners.

29 NEW SECTION. **Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD**
30 **OPERATIONS BUREAU**

31 State Patrol Highway Account--

32 State Appropriation \$ 162,081,000

33 State Patrol Highway Account--

34 Federal Appropriation \$ 7,084,000

35 State Patrol Highway Account--

1	Private/Local Appropriation	\$	169,000
2	TOTAL APPROPRIATION	\$	169,334,000

3 The appropriations in this section are subject to the following
4 conditions and limitations and specified amounts are provided solely
5 for the activities of the field operations bureau:

6 (1) As a result of the elimination of the vehicle inspection number
7 (VIN) program, no permanent Washington state patrol employee shall be
8 displaced from employment without the opportunity to fill a vacant
9 patrol position for which he or she has a preference and meets the
10 minimum qualifications. For the purpose of the VIN program
11 elimination, the guidelines under chapter 356-26 WAC (Registers-
12 Certifications) shall be suspended for those employees holding the
13 classification of VIN 1 or 2.

14 (2) To the extent possible, the agency shall transfer displaced VIN
15 personnel into the 20 newly created school bus inspection and motor
16 carrier safety assistance program positions. The agency shall
17 emphasize filling existing vacant positions within the commercial
18 vehicle division with displaced VIN personnel. The agency shall report
19 by December 31, 2001, to the senate and house of representatives
20 transportation committees on efforts to relocate displaced VIN
21 personnel.

22 NEW SECTION. **Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT**
23 **SERVICES BUREAU**

24 State Patrol Highway Account--

25	State Appropriation	\$	69,960,000
26	State Patrol Highway Account--		
27	Private/Local Appropriation	\$	735,000
28	TOTAL APPROPRIATION	\$	70,695,000

29 The appropriations in this section are subject to the following
30 conditions and limitations and specified amounts are provided solely
31 for the activities of the support services bureau. The Washington
32 state patrol shall improve response times during emergency radio
33 outages by allowing electronic services field technicians to take home
34 their assigned vehicle and equipment even though they may be off duty.

35 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF LICENSING--**
36 **MANAGEMENT AND SUPPORT SERVICES**

1	Marine Fuel Tax Refund Account--State		
2	Appropriation	\$	7,000
3	Motorcycle Safety Education Account--		
4	State Appropriation	\$	114,000
5	Wildlife Account--State Appropriation	\$	89,000
6	Highway Safety Account--State Appropriation	\$	7,740,000
7	Motor Vehicle Account--State Appropriation	\$	4,230,000
8	Licensing Services Account--State		
9	Appropriation	\$	123,000
10	TOTAL APPROPRIATION	\$	12,303,000

11 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF LICENSING--**
12 **INFORMATION SYSTEMS**

13	Marine Fuel Tax Refund Account--State		
14	Appropriation	\$	2,000
15	Motorcycle Safety Education Account--		
16	State Appropriation	\$	50,000
17	Wildlife Account--State Appropriation	\$	34,000
18	Highway Safety Account--State Appropriation	\$	5,655,000
19	Motor Vehicle Account--State Appropriation	\$	3,304,000
20	Licensing Services Account--State		
21	Appropriation	\$	292,000
22	TOTAL APPROPRIATION	\$	9,337,000

23 The appropriations in this section are subject to the following
24 conditions and limitations: The department of licensing shall report
25 to the legislative transportation committees on the progress of the
26 expanded internet service no later than December 15, 2002.

27 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE**
28 **SERVICES**

29	Marine Fuel Tax Refund Account--		
30	State Appropriation	\$	26,000
31	Wildlife Account--State Appropriation	\$	578,000
32	Motor Vehicle Account--State Appropriation	\$	57,043,000
33	Licensing Services Account--State		
34	Appropriation	\$	3,123,000
35	TOTAL APPROPRIATION	\$	60,770,000

1 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER**
 2 **SERVICES**

3 Motorcycle Safety Education Account--

4 State Appropriation	\$	2,223,000
5 Highway Safety Account--State Appropriation . . .	\$	81,366,000
6 TOTAL APPROPRIATION	\$	83,589,000

7 The appropriations in this section are subject to the following
 8 conditions and limitations: The department of licensing shall prepare
 9 a capital project plan adopting a process for using certificates of
 10 participation to purchase licensing services offices if the combined
 11 principle and interest payments are the same or less than existing or
 12 future leases on comparable facilities.

13 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--**
 14 **HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

15 Motor Vehicle Account--State Appropriation . . .	\$	47,353,000
16 Motor Vehicle Account--Federal Appropriation . .	\$	400,000
17 TOTAL APPROPRIATION	\$	47,753,000

18 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--**
 19 **AVIATION--PROGRAM F**

20 Aeronautics Account--State Appropriation	\$	4,852,000
21 Aircraft Search and Rescue Safety and		
22 Education Account--State Appropriation . . .	\$	160,000
23 TOTAL APPROPRIATION	\$	5,012,000

24 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--**
 25 **IMPROVEMENTS--PROGRAM I**

26 Motor Vehicle Account--State Appropriation . . .	\$	577,085,000
27 Motor Vehicle Account--Federal Appropriation . .	\$	230,232,000
28 Motor Vehicle Account--Private/Local		
29 Appropriation	\$	43,504,000
30 Special Category C Account--State		
31 Appropriation	\$	65,813,000
32 Multimodal Transportation Account--State		
33 Appropriation	\$	4,880,000
34 TOTAL APPROPRIATION	\$	921,514,000

1 The appropriations in this section are provided for the location,
2 design, right of way acquisition, or construction of state highway
3 projects designated as improvements under RCW 47.05.030. The
4 appropriations in this section are subject to the following conditions
5 and limitations and specified amounts are provided solely for that
6 activity:

7 (1) The special category C account--state appropriation of
8 \$65,813,000 includes \$56,500,000 in proceeds from the sale of bonds
9 authorized in RCW 47.10.812. The transportation commission may
10 authorize the use of current revenues available to the department of
11 transportation in lieu of bond proceeds for any part of the state
12 appropriation.

13 (2) The department shall report December 1st and June 1st of each
14 year to the senate and the house of representatives transportation
15 committees and the office of financial management on the timing and the
16 scope of work being performed for the regional transit authority known
17 as sound transit. This report shall provide a description of all
18 department activities related to the regional transit authority
19 including investments in state-owned infrastructure.

20 (3) The motor vehicle account--state appropriation includes
21 \$378,952,000 in proceeds from the sale of bonds authorized by RCW
22 47.10.843. The transportation commission may authorize the use of
23 current revenues available to the department of transportation in lieu
24 of bond proceeds for any part of the state appropriation.

25 (4) \$305,448,000 of the motor vehicle account--state appropriation,
26 \$192,141,000 of the motor vehicle account--federal appropriation,
27 \$41,173,000 of the motor vehicle account--private/local appropriation,
28 and \$65,813,000 of the special category C--state appropriation, and
29 \$4,880,000 of the multimodal transportation account--state
30 appropriation are provided for the construction phase of the
31 improvement program.

32 (5) \$4,880,000 of the multimodal transportation account--state
33 appropriation is provided solely for the state program share of freight
34 mobility projects as identified by the freight mobility strategic
35 investment board.

36 (6) The motor vehicle account--state appropriation includes
37 \$3,898,000 in unexpended proceeds from the January 2001 bond sale
38 authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The
39 transportation commission may authorize the use of current revenues

1 available to the department of transportation in-lieu of bond proceeds
2 for any part of the state appropriation.

3 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--**
4 **TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

5 Motor Vehicle Account--State Appropriation . . . \$ 2,553,000

6 The appropriation in this section is subject to the following
7 conditions and limitations and specified amounts are provided solely
8 for that activity:

9 (1) The motor vehicle account--state appropriation includes
10 \$1,400,000 in proceeds from the sale of bonds authorized in RCW
11 47.10.834 for all forms of cash contributions, or the payment of other
12 costs incident to the location, development, design, right of way, and
13 construction of the Tacoma narrows bridge improvements under the
14 public-private transportation initiative program authorized under
15 chapter 47.46 RCW; and for support costs of the public-private
16 transportation initiatives program.

17 (2) The transportation commission may authorize the use of current
18 revenues available to the department of transportation in-lieu of bond
19 proceeds for any part of the state appropriation.

20 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **HIGHWAY MAINTENANCE--PROGRAM M**

22 Motor Vehicle Account--State Appropriation . . . \$ 273,594,000
23 Motor Vehicle Account--Federal Appropriation . . \$ 512,000
24 Motor Vehicle Account--Private/Local
25 Appropriation \$ 4,067,000
26 TOTAL APPROPRIATION \$ 278,173,000

27 The appropriations in this section are subject to the following
28 conditions and limitations and specified amounts are provided solely
29 for that activity:

30 (1) If portions of the appropriations in this section are required
31 to fund maintenance work resulting from major disasters not covered by
32 federal emergency funds such as fire, flooding, and major slides,
33 supplemental appropriations will be requested to restore state funding
34 for ongoing maintenance activities.

35 (2) The department shall request an unanticipated receipt for any
36 federal moneys received for emergency snow and ice removal and shall

1 place an equal amount of the motor vehicle account--state into
2 unallotted status. This exchange shall not affect the amount of
3 funding available for snow and ice removal.

4 NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **PRESERVATION--PROGRAM P**

6	Motor Vehicle Account--State Appropriation . . . \$	155,015,000
7	Motor Vehicle Account--Federal Appropriation . . \$	414,477,000
8	Motor Vehicle Account--Private/Local	
9	Appropriation \$	8,718,000
10	TOTAL APPROPRIATION \$	578,210,000

11 The appropriations in this section are subject to the following
12 conditions and limitations and specified amounts are provided solely
13 for that activity:

14 (1) If portions of the appropriations in this section are required
15 to fund preservation work resulting from major disasters not covered by
16 federal emergency funds such as fire, flooding, and major slides,
17 supplemental appropriations will be requested to restore state funding
18 for ongoing maintenance activities.

19 (2) The motor vehicle account--state appropriation includes
20 \$6,524,000 for earthquake repairs and to match federal emergency relief
21 funds and \$3,750,000 in proceeds from the sale of bonds authorized in
22 RCW 47.10.761 and 47.10.762 for emergency purposes.

23 (3) The department of transportation is authorized to maximize the
24 use of federal and state funds to implement the provisions of this
25 section.

26 (4) \$85,471,000 of the motor vehicle account--state appropriation,
27 \$378,225,000 of the motor vehicle account--federal appropriation, and
28 \$8,107,000 of the motor vehicle account--private/local appropriation
29 are provided for the construction phase of the preservation program.

30 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--**
31 **TRAFFIC OPERATIONS--PROGRAM Q**

32	Motor Vehicle Account--State Appropriation . . . \$	39,569,000
33	Motor Vehicle Account--Federal Appropriation . . \$	16,678,000
34	Multimodal Transportation Account--State	
35	Appropriation \$	500,000
36	TOTAL APPROPRIATION \$	56,747,000

1 The appropriations in this section are subject to the following
 2 conditions and limitations and the specified amount is provided solely
 3 for that activity: The motor vehicle account--state appropriation
 4 includes \$2,986,000 for state matching funds for federally selected
 5 competitive grant or congressional earmark projects other than
 6 commercial vehicle information system and network (CVISN). These
 7 moneys shall be placed into reserve status until such time as federal
 8 funds are secured and a state match is required.

9 NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--**
 10 **TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

11 Motor Vehicle Account--State Appropriation . . . \$	95,350,000
12 Motor Vehicle Account--Federal Appropriation . . \$	2,654,000
13 Puget Sound Ferry Operations Account--	
14 State Appropriation \$	6,774,000
15 Multimodal Transportation Account--State	
16 Appropriation \$	2,082,000
17 TOTAL APPROPRIATION \$	106,860,000

18 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--**
 19 **TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

20 Motor Vehicle Account--State Appropriation . . . \$	11,496,000
21 Motor Vehicle Account--Federal Appropriation . . \$	18,800,000
22 Multimodal Transportation Account--State	
23 Appropriation \$	987,000
24 Multimodal Transportation Account--Federal	
25 Appropriation \$	2,000,000
26 TOTAL APPROPRIATION \$	33,283,000

27 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--**
 28 **CHARGES FROM OTHER AGENCIES--PROGRAM U**

29 Payments in this section represent charges from other state
 30 agencies to the department of transportation.

31 (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

32 Motor Vehicle Account--State Appropriation . . . \$	464,000
33 Puget Sound Ferry Operations--State	
34 Appropriation \$	154,000

35 (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

36 Motor Vehicle Account--State Appropriation . . . \$	731,000
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1 (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION
2 FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
3 Motor Vehicle Account--State Appropriation . . . \$ 4,128,000
4 (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
5 Motor Vehicle Account--State Appropriation . . . \$ 2,240,000
6 (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND
7 ADMINISTRATION
8 Motor Vehicle Account--State Appropriation . . . \$ 13,892,000
9 Motor Vehicle Fund--Puget Sound Ferry Operations Account--
10 State Appropriation \$ 4,204,000
11 (6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS
12 ENTERPRISES
13 Motor Vehicle Account--State Appropriation . . . \$ 278,000
14 (7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL
15 PROJECTS SURCHARGE
16 Motor Vehicle Account--State Appropriation . . . \$ 1,547,000
17 (8) FOR ARCHIVES AND RECORDS MANAGEMENT
18 Motor Vehicle Account--State Appropriation . . . \$ 469,000
19 TOTAL APPROPRIATION \$ 28,107,000

20 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--**
21 **PUBLIC TRANSPORTATION--PROGRAM V**

22 Multimodal Transportation Account--State
23 Appropriation \$ 11,160,000
24 Multimodal Transportation Account--Federal
25 Appropriation \$ 3,074,000
26 Multimodal Transportation Account--
27 Private/Local Appropriation \$ 205,000
28 TOTAL APPROPRIATION \$ 14,439,000

29 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--**
30 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

31 Motor Vehicle Account--State
32 Appropriation \$ 144,404,000
33 Motor Vehicle Account--Federal
34 Appropriation \$ 37,472,000
35 Passenger Ferry Account--State Appropriation . . \$ 1,500,000
36 Passenger Ferry Account--Federal
37 Appropriation \$ 4,000,000

1 TOTAL APPROPRIATION \$ 187,376,000

2 The appropriations in this section are provided for improving the
3 Washington state ferry system, including, but not limited to, vessel
4 acquisition, vessel construction, major and minor vessel improvements,
5 and terminal construction and improvements. The appropriations in this
6 section are subject to the following conditions and limitations and
7 specified amounts are provided solely for that activity:

8 (1) The appropriations in this section, unless otherwise specified,
9 are provided to carry out only the projects in the Washington state
10 ferries capital program plan - version 4. The department shall
11 reconcile the 1999-2001 capital expenditures within ninety days of the
12 end of the biennium and submit a final report to the senate
13 transportation committee, the house of representatives transportation
14 committee, and the office of financial management.

15 (2) The motor vehicle account--state appropriation includes
16 \$81,648,000 in proceeds from the sale of bonds authorized by RCW
17 47.10.843 for vessel and terminal acquisition, major and minor
18 improvements, and long lead time materials acquisition for the
19 Washington state ferries. The transportation commission may authorize
20 the use of current revenues available to the motor vehicle account in
21 lieu of bond proceeds for any part of the state appropriation.

22 (3) Appropriations in this section include funding for the purchase
23 or lease-purchase of one passenger ferry and assume the proceeds of the
24 sale of the MV Kalama and MV Skagit passenger ferries shall be
25 deposited in the passenger ferry account.

26 (4) The ferry system shall contract with an outside consulting firm
27 to conduct a study on the preservation, replacement, or supplementation
28 of the Eagle Harbor maintenance facility. The study must analyze: (a)
29 The costs and benefits to preserve and maintain or relocate the
30 facility; (b) the impact of Eagle Harbor employment on the local
31 community and Kitsap county; and (c) a recommendation on future
32 investment in the Eagle Harbor maintenance facility or possible
33 alternatives. The contractor must report back to the legislature's
34 transportation committees no later than December 10, 2002.

35 NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--**
36 **MARINE--PROGRAM X**

37 Puget Sound Ferry Operations Account--State
38 Appropriation \$ 321,673,000

1 The appropriation in this section is subject to the following
2 conditions and limitations and specified amounts are provided solely
3 for that activity:

4 (1) The appropriation is based on the budgeted expenditure of
5 \$46,440,000 for vessel operating fuel in the 2001-2003 biennium. If
6 the actual cost of fuel is less than this budgeted amount, the excess
7 amount may not be expended. If the actual cost exceeds this amount,
8 the department shall request a supplemental appropriation.

9 (2) The appropriation provides for the compensation of ferry
10 employees. The expenditures for compensation paid to ferry employees
11 during the 2001-2003 biennium may not exceed \$206,696,000 plus a dollar
12 amount, as prescribed by the office of financial management, that is
13 equal to any insurance benefit increase granted general government
14 employees in excess of \$432.82 a month annualized per eligible marine
15 employee multiplied by the number of eligible marine employees for the
16 respective fiscal year, a dollar amount as prescribed by the office of
17 financial management for costs associated with pension amortization
18 charges, and a dollar amount prescribed by the office of financial
19 management for salary increases during the 2001-2003 biennium. For the
20 purposes of this section, the expenditures for compensation paid to
21 ferry employees shall be limited to salaries and wages and employee
22 benefits as defined in the office of financial management's policies,
23 regulations, and procedures named under objects of expenditure "A" and
24 "B" (7.2.6.2).

25 The prescribed salary and insurance benefit increase or decrease
26 dollar amount that shall be allocated from the governor's compensation
27 appropriations is in addition to the appropriation contained in this
28 section and may be used to increase or decrease compensation costs,
29 effective July 1, 2001, and thereafter, as established in the 2001-2003
30 general fund operating budget.

31 (3) The department shall issue a request for information from
32 entities interested in purchasing advertising on board Washington state
33 ferry vessels. The department shall evaluate the proposals and report
34 back to the legislature's transportation committees in January 2002
35 regarding the potential for revenue from different types of
36 advertising.

37 (4) The department may enter into contracts with private vendors to
38 sell ferry tickets and medium at locations other than Washington state
39 ferry terminals or facilities.

1 (a) The department may enter into the contracts only (i) with
2 private vendors that are already established businesses offering goods
3 for sale to the general public; and (ii) if it determines that the
4 vendor's established location has the potential to serve a significant
5 percentage of the customers using a particular ferry route.

6 (b) The department may adopt necessary rules and procedures to
7 allow the use of credit and debit cards to purchase ferry tickets or
8 medium from a private vendor who has contracted with the department to
9 sell ferry tickets or medium. The department may establish a
10 convenience fee to be paid by all persons purchasing ferry tickets and
11 medium at locations other than Washington state ferry terminals or
12 facilities. The convenience fee must be sufficient to offset the
13 charges imposed on the department by the credit and debit card
14 companies. In no event may the use of credit or debit cards authorized
15 by this section create a loss of revenue to the state. The use of a
16 personal credit card does not rely upon the credit of the state as
17 prohibited by Article VIII, section 5 of the state Constitution.

18 NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--**
19 **RAIL--PROGRAM Y**

20	Essential Rail Assistance Account--State	
21	Appropriation	\$ 200,000
22	Multimodal Transportation Account--State	
23	Appropriation	\$ 43,814,000
24	Multimodal Transportation Account--Federal	
25	Appropriation	\$ 9,630,000
26	Washington Fruit Express Account--State	
27	Appropriation	\$ 500,000
28	TOTAL APPROPRIATION	\$ 54,144,000

29 The appropriations in this section are subject to the following
30 conditions and limitations and specified amounts are provided solely
31 for that activity:

32 (1) \$32,704,000 of the multimodal transportation account--state
33 appropriation is provided for the rail operating program.

34 (2) \$3,965,000 of the multimodal transportation account--state
35 appropriation and \$9,630,000 of the multimodal transportation account--
36 federal appropriation are provided for the rail capital program.

37 (3) \$2,000,000 of the multimodal transportation account--state
38 appropriation is provided solely for the Grays Harbor loop project.

1 NEW SECTION. **Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--**

2 **LOCAL PROGRAMS--PROGRAM Z**

3	Motor Vehicle Account--State Appropriation . . . \$	76,943,000
4	Motor Vehicle Account--Federal Appropriation . . \$	2,569,000
5	Highway Infrastructure Account--Federal	
6	Appropriation \$	1,500,000
7	Highway Infrastructure Account--State	
8	Appropriation \$	234,000
9	Multimodal Transportation Account--State	
10	Appropriation \$	10,300,000
11	Urban Arterial Trust Account--State	
12	Appropriation \$	4,674,000
13	TOTAL APPROPRIATION \$	96,220,000

14 The appropriations in this section are subject to the following
15 conditions and limitations and specified amounts are provided solely
16 for that activity:

17 (1) The highways and local programs division shall not administer
18 or distribute federal transportation enhancement funds for the project
19 known as East Lake Sammamish trail interim improvement - Issaquah to
20 Redmond - until interlocal agreements between King county and the
21 cities of Sammamish, Redmond, and Issaquah have been finalized for the
22 portions of the trail within each of these affected jurisdictions.
23 These agreements shall address safety, security, public parking,
24 design, public facilities, and public access to the trail, maintain
25 King county as the lead agency on the development of the trail, and
26 preserve the railbanking status of the railroad right-of-way according
27 to federal law.

28 (2) \$10,000,000 of the multimodal transportation account--state
29 appropriation is provided solely to fund the first phase of a
30 multiphase cooperative project with the state of Oregon to dredge the
31 Columbia river. The department shall not expend the appropriation in
32 this section unless agreement on ocean disposal sites has been reached
33 which protects the state's commercial crab fishery. The amount
34 provided in this subsection shall lapse unless the state of Oregon
35 appropriates a dollar-for-dollar match to fund its share of the
36 project.

37 (3) The motor vehicle account--state appropriation includes
38 \$28,420,000 in proceeds from the sale of bonds authorized by RCW
39 47.10.843, including \$16,420,000 in unexpended proceeds from the

1 January 2001 sale. The transportation commission may authorize the use
2 of current revenues available to the department of transportation in
3 lieu of bond proceeds for any part of the state appropriation.

4 (4) Pursuant to RCW 46.68.110(2), \$150,000 of the motor vehicle
5 account--state appropriation is provided to the Whatcom county council
6 of governments for the sole purpose of developing and implementing a
7 model of regional transportation governance. This model shall be
8 developed in accordance with Recommendation 6 of the Blue Ribbon
9 Commission on Transportation's final report.

10 The council shall develop a model that can be used in other parts
11 of the state and shall report to the transportation committees in the
12 senate and house of representatives on the positive and negative
13 aspects of the model as well as costs associated with it no later than
14 June 30, 2002.

15 (5) \$250,000 of the motor vehicle account--state appropriation is
16 provided solely for a study of concurrency issues in urban areas marked
17 by multiple contiguous jurisdictions. The study, lead by the city of
18 Bellevue, will focus on the jurisdictions of Bellevue, Kirkland,
19 Issaquah, and Redmond and will look at existing and unused
20 methodologies for including development in neighboring jurisdictions in
21 concurrency calculations. The study will also investigate what changes
22 in state and local laws are needed in order to provide a more effective
23 way of dealing with concurrency issues. By November 1, 2003, a report
24 of the findings will be made to the transportation committees of the
25 legislature.

26 NEW SECTION. **Sec. 230.** Notwithstanding the limitations of RCW
27 36.82.070 and 2001 c 221 s 3, county road funds may be used during this
28 biennium beyond the county right-of-way for activities clearly
29 associated with removal of fish passage barriers that are the
30 responsibility of the county in the amount deemed appropriate by the
31 county.

32 (End of part)

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TRANSPORTATION AGENCIES CAPITAL FACILITIES

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

State Patrol Highway Account--State		
Appropriation	\$	780,000
Motor Vehicle Account--State Appropriation	\$	2,705,000
TOTAL APPROPRIATION	\$	3,485,000

NEW SECTION. Sec. 302. The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	\$	13,046,000
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(End of part)

TRANSFERS AND DISTRIBUTIONS

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

6 Highway Bond Retirement Account Appropriation . . . \$	222,596,000
7 Ferry Bond Retirement Account Appropriation . . . \$	48,675,000
8 Transportation Improvement Board Bond Retirement	
9 Account--State Appropriation \$	39,526,000
10 Motor Vehicle Account--State Appropriation . . . \$	5,261,000
11 Special Category C Account--State Appropriation . \$	595,000
12 Transportation Improvement Account--State	
13 Appropriation \$	473,000
14 TOTAL APPROPRIATION \$	317,126,000

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

18 Motor Vehicle Account--State Appropriation . . . \$	505,000
19 Special Category C Account Appropriation \$	57,000
20 Transportation Improvement Account--State	
21 Appropriation \$	46,000
22 TOTAL APPROPRIATION \$	608,000

23 NEW SECTION. **Sec. 403. FOR THE STATE TREASURER--STATE REVENUES**
24 **FOR DISTRIBUTION**

25 Motor Vehicle Fund Appropriation for	
26 motor vehicle fuel tax and overload penalties	
27 distribution \$	458,895,000

28 NEW SECTION. **Sec. 404. FOR THE STATE TREASURER--STATE REVENUES**
29 **FOR DISTRIBUTIONS TO CITIES AND COUNTIES**

30 Motor Vehicle Fund Appropriation for	
31 motor vehicle fuel tax and overload penalties	
32 distribution \$	428,546,000

1 NEW SECTION. **Sec. 405. STATUTORY APPROPRIATIONS.** In addition to
2 the amounts appropriated in this act for revenue for distribution,
3 state contributions to the law enforcement officers' and fire fighters'
4 retirement system, and bond retirement and interest including ongoing
5 bond registration and transfer charges, transfers, interest on
6 registered warrants, and certificates of indebtedness, there is also
7 appropriated such further amounts as may be required or available for
8 these purposes under any statutory formula or under any proper bond
9 covenant made under law.

10 NEW SECTION. **Sec. 406.** The department of transportation is
11 authorized to undertake federal advance construction projects under the
12 provisions of 23 U.S.C. Sec. 115 in order to maintain progress in
13 meeting approved highway construction and preservation objectives. The
14 legislature recognizes that the use of state funds may be required to
15 temporarily fund expenditures of the federal appropriations for the
16 highway construction and preservation programs for federal advance
17 construction projects prior to conversion to federal funding.

18 NEW SECTION. **Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

- 19 (1) RV Account--State Appropriation:
20 For transfer to the Motor Vehicle Fund--State . . \$ 1,185,000
- 21 (2) Public Transportation Systems Account--
22 State Appropriation: For transfer to the
23 Multimodal Transportation Account--State \$ 1,911,000

24 The department of transportation shall only transfer funds provided
25 under subsection (1) of this section on an as-needed basis.

26 NEW SECTION. **Sec. 408. FOR THE DEPARTMENT OF TRANSPORTATION--**
27 **TRANSFERS**

- 28 (1) Motor Vehicle Fund--State Appropriation:
29 For transfer to Puget Sound Ferry Operations
30 Account \$ 27,000,000
- 31 (2) Advanced Right of Way Revolving Account
32 Appropriation: For transfer to the Motor
33 Vehicle Fund \$ 15,000,000
- 34 (3) Multimodal Transportation Account--State
35 Appropriation: For transfer to the Motor Vehicle
36 Account--State Appropriation \$ 59,000,000

1 **PERFORMANCE BASED BUDGETING PROVISIONS**

2 NEW SECTION. **Sec. 501.** Transportation agencies shall continue to
3 refine the following activities in order to establish a performance-
4 based budgeting process for the 2003-05 biennial budget:

5 (1) The department of licensing, the department of transportation,
6 and the Washington state patrol, in cooperation with the office of
7 financial management and the senate and house of representatives
8 transportation committees, shall implement a performance budgeting
9 process that provides a measurable link between agency objectives,
10 service levels, and budget proposals. The agencies shall also develop
11 indicators of performance, stated in terms of expected results, to
12 measure the agencies' progress in achieving the agencies' goals.

13 (2) The transportation agencies shall submit a strategic plan with
14 their agency request budgets. The strategic plan must include a six-
15 year outlook and define and clarify the agency mission and vision,
16 provide the basis for budget development, and outline the agency's
17 goals and strategies. Furthermore, the strategic plan shall reflect
18 agency priorities which formed the basis of the agencies' budget
19 development.

20 (3) The transportation agencies shall establish performance
21 indicators that measure activities and associated goals and strategies
22 in the strategic plan. The agencies shall also provide a preferred
23 level of performance over the next six years.

24 (4) The senate and house of representatives transportation
25 committees, the office of financial management, and the transportation
26 agencies shall establish the means of conducting program authorization
27 reviews of all transportation programs. The reviews shall include:

28 (a) An agency self-assessment to judge the quality and usefulness
29 of: (i) The agency's long-term strategic program goals; (ii) current
30 organizational structure; (iii) program priorities and objectives; (iv)
31 activities necessary to achieve program priorities and objectives; (v)
32 service level criteria and performance targets of existing programs and
33 activities; (vi) best practices by other states as a possible benchmark
34 of the performance of their programs; and (vii) results or outcome
35 measures as they relate to achievement of benchmarks given different
36 funding levels;

1 (b) A review of the agency self-assessment and a report to the
2 legislature; and

3 (c) A report which recommends whether to retain, eliminate, or
4 modify funding and related statutory references for the agency. The
5 parties conducting the review shall consider: (i) Whether the agency
6 performance measures adequately measure the agency goals; (ii) whether
7 the program performs efficiently and effectively, including comparisons
8 with other jurisdictions, if applicable; (iii) whether there are other
9 cost-effective alternative methods of accomplishing the program's
10 mission; and (iv) whether there are any funds saved by the agency's
11 performance.

12 (5) The transportation agencies shall each designate a program or
13 programs to test the effectiveness of performance-based budgeting for
14 the 2003-05 budget submittal period.

15 (6) Each agency shall submit a program list to the transportation
16 committees of the house of representatives and senate and the office of
17 financial management at the end of each fiscal year, which describes
18 the functions of the program, the fund sources for the program, and the
19 number of full-time equivalents, in addition to other performance
20 targets of the program and their relationship to the agency strategic
21 plan.

22 (7) The transportation agencies shall develop agency biennial
23 budget requests at the agency budget program level, rather than the
24 object level, and submit their biennial and supplemental budget
25 requests to the office of financial management via a common budget
26 system beginning July 1, 2003.

27 (8) The agencies shall input monthly their financial information
28 and quarterly program performance measurements into the transportation
29 executive information system and other systems as required by the
30 office of financial management. The agencies shall report actuals to
31 date against original allotments, in addition to plan to date.
32 Original allotments may reflect supplemental budget changes as changed
33 by the legislature and the governor.

34 **PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

35 NEW SECTION. **Sec. 601.** The highways and local programs division
36 of the Washington state department of transportation, the
37 transportation improvement board, the county road administration board,

1 the freight mobility strategic investment board, the association of
2 Washington cities, and the Washington state association of counties
3 shall establish and staff a joint task force that will develop
4 recommendations to establish a one-stop funding center for state funded
5 local grant programs. The task force shall report its recommendations
6 to the legislature no later than December 1, 2001. The recommendations
7 of the task force shall address the following:

8 (1) Develop a memorandum of understanding that governs a
9 multiagency grant council to coordinate state and federal grant
10 efforts;

11 (2) Develop a simplified grant application form that can be used by
12 all local grant-seeking agencies;

13 (3) Coordinate calls for local grant applications;

14 (4) Increase awareness of state-funded local grant programs; and

15 (5) Develop a process to forward applications to other appropriate
16 state and federal funding programs.

17 NEW SECTION. **Sec. 602.** The senate transportation committee
18 shall convene a task force to study the issues regarding abandoned
19 vehicles, title transfers, license plate transfers, buyer and seller
20 reports, and electronic availability of current vehicle owner
21 information. The task force shall include the following members in
22 addition to the department of licensing: The Washington state tow
23 truck association; the Washington state auto dealers; the independent
24 towers of Washington; the Washington state patrol; and representatives
25 of two local law enforcement agencies.

26 The task force shall consider methods by which vehicle ownership
27 changes can occur more expeditiously, including but not limited to the
28 timing and completeness of the seller reporting the sale of a vehicle,
29 methods to encourage buyers to retitling vehicles in a timely manner, and
30 changes in the processing of abandoned vehicle reports to provide more
31 timely access to registered owner information. The task force shall
32 also consider who bears liability for abandoned vehicles as well as the
33 issue of impounding a registered owner's car when someone other than
34 the owner is driving.

35 NEW SECTION. **Sec. 603.** The joint legislative audit and review
36 committee shall conduct a performance audit to evaluate the advantages
37 and disadvantages of removing the aviation division from the department

1 of transportation and creating a Washington state department of
2 aviation. At a minimum the evaluation must include: (1) A survey of
3 aviation division customers to determine whether the current aviation
4 division meets the needs of those customers; (2) a comparison of
5 procedures, regulations, and requirements of the Federal Aviation
6 Administration and the Federal Highway Administration to determine if
7 the federal laws governing the aviation division conflict with those
8 governing the department of transportation; (3) an analysis of the
9 department of transportation's processes to determine whether the
10 creation of a separate aviation department would result in a cost
11 savings to the state; and (4) a financial analysis to determine if the
12 aviation fuel tax, aircraft registration fees, and other revenue from
13 aviation services would enable a separate aviation division to operate
14 without additional state resources. The joint legislative audit and
15 review committee must report its findings to the legislature and the
16 office of financial management by December 1, 2002.

17 NEW SECTION. **Sec. 604.** The appropriations assumed in sections 217
18 and 220 of this act are based upon the project list within the
19 transportation executive information system, capital projects and
20 facilities reporting system known as 2001-03 Senate Highway
21 Construction Program Current Law Budget - Second Special Session - June
22 7, 2001.

23 NEW SECTION. **Sec. 605.** A new section is added to chapter 47.04
24 RCW to read as follows:

25 (1) For the purposes of this section only, "assault" means an act
26 by a motorist that results in physical injury to an employee of the
27 department while engaged in highway construction or maintenance
28 activities along a roadway right-of-way (fence line to fence line,
29 landscaped areas) or in the loading and unloading of passenger vehicles
30 in service of the vessel as a maritime employee not covered under
31 chapter 51.32 RCW or engaged in those work activities as a Washington
32 State Ferries terminal employee covered under chapter 51.32 RCW.

33 (2) In recognition of the nature of employment in departmental
34 highway construction or maintenance activities and by the Washington
35 State Ferries, this section provides a supplementary program to
36 reimburse employees of the department for some of their costs

1 attributable to their being the victims of assault by motorists. This
2 program is limited to the reimbursement provided in this section.

3 (3) An employee is entitled to receive the reimbursement provided
4 in this section only if the secretary finds that each of the following
5 has occurred:

6 (a) A motorist has assaulted the employee who is engaged in highway
7 construction or maintenance along a roadway right-of-way (fence line to
8 fence line, landscaped areas) or service of the vessel as a maritime
9 employee or terminal employee engaged in the loading or unloading of
10 passenger vehicles and as a result the employee has sustained
11 demonstrated physical injuries that have required the employee to miss
12 one or more days of work;

13 (b) The assault is not attributable to any extent to the employee's
14 negligence, misconduct, or failure to comply with any rules or
15 conditions of employment; and

16 (c) The department of labor and industries has approved the
17 employee's workers' compensation application under chapter 51.32 RCW,
18 or for maritime employees the department of transportation risk
19 management office has approved maintenance and cure benefits under 46
20 U.S.C. Sec. 688 et seq.

21 (4) The reimbursement authorized under this section is as follows:

22 (a) The employee's accumulated sick leave days will not be reduced
23 for the workdays missed. The injured worker who qualifies for and
24 receives assault benefits will also receive full standard benefits
25 (vacation leave, sick leave, health insurance, etc.) as if uninjured;

26 (b) For an employee covered by chapter 51.32 RCW, for each workday
27 missed for which the employee is not eligible to receive compensation
28 under chapter 51.32 RCW, the employee will receive the full amount of
29 the injured worker's net pay at the time of injury; and

30 (c) In respect to workdays missed for which the employee will
31 receive or has received compensation under chapter 51.32 RCW, or under
32 federal maritime law benefits, including the Jones Act, for an employee
33 deemed a maritime employee assigned to work in service of the vessel or
34 a nonmaritime terminal employee covered under chapter 51.32 RCW, the
35 employee will be reimbursed in an amount that, when added to that
36 compensation, will result in the employee receiving no more than full
37 net pay (gross pay less mandatory and voluntary deductions) for the
38 workdays missed.

1 (5) Reimbursement under this section may not last longer than three
2 hundred sixty-five consecutive days after the date of the injury. No
3 application for assault benefits is valid nor may a claim be enforced
4 unless it was made within one year after the day upon which the injury
5 occurred.

6 (6) The employee is not entitled to the reimbursement provided in
7 subsection (4) of this section for a workday for which the secretary or
8 an applicable designee finds that the employee has not diligently
9 pursued his or her compensation remedies under chapter 51.32 RCW or
10 federal maritime law, including the Jones Act.

11 (7) The reimbursement may be made only for absences that the
12 secretary or an applicable designee believes are justified.

13 (8) While the employee is receiving reimbursement under this
14 section, he or she will continue to be classified as a state employee,
15 and the reimbursement amount is considered as salary or wages.

16 (9) The department shall make all reimbursement payments required
17 to be made to employees under this section. The payments are
18 considered as a salary or wage expense and must be paid by the
19 department in the same manner and from the same appropriations as other
20 salary and wage expenses for the department.

21 (10) Nothing in this section precludes the department from
22 recovering the supplemental payments authorized by this section from
23 the assaulting motorist, and that recovery is considered exclusive of
24 recovery under chapter 51.24 RCW.

25 (11) If the legislature revokes the reimbursement authorized under
26 this section or repeals this section, no affected employee is entitled
27 after that to receive the reimbursement as a matter of contractual
28 right.

29 NEW SECTION. **Sec. 606.** A new section is added to chapter 47.01
30 RCW to read as follows:

31 The Washington fruit express account is created in the state
32 treasury. All receipts from the operations of the Washington fruit
33 express program must be deposited into the account. Moneys in the
34 account may be spent only after appropriation. Expenditures from the
35 account may be used only for the operations of the Washington fruit
36 express program.

1 **Sec. 607.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each
2 amended to read as follows:

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

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

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

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the treasury
32 income account except:

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The capitol building
36 construction account, the Cedar River channel construction and
37 operation account, the Central Washington University capital projects
38 account, the charitable, educational, penal and reformatory
39 institutions account, the common school construction fund, the county

1 criminal justice assistance account, the county sales and use tax
2 equalization account, the data processing building construction
3 account, the deferred compensation administrative account, the deferred
4 compensation principal account, the department of retirement systems
5 expense account, the drinking water assistance account, the Eastern
6 Washington University capital projects account, the education
7 construction fund, the emergency reserve fund, the federal forest
8 revolving account, the health services account, the public health
9 services account, the health system capacity account, the personal
10 health services account, the state higher education construction
11 account, the higher education construction account, the highway
12 infrastructure account, the industrial insurance premium refund
13 account, the judges' retirement account, the judicial retirement
14 administrative account, the judicial retirement principal account, the
15 local leasehold excise tax account, the local real estate excise tax
16 account, the local sales and use tax account, the medical aid account,
17 the mobile home park relocation fund, the multimodal transportation
18 account, the municipal criminal justice assistance account, the
19 municipal sales and use tax equalization account, the natural resources
20 deposit account, the perpetual surveillance and maintenance account,
21 the public employees' retirement system plan 1 account, the public
22 employees' retirement system plan 2 account, the Puyallup tribal
23 settlement account, the resource management cost account, the site
24 closure account, the special wildlife account, the state employees'
25 insurance account, the state employees' insurance reserve account, the
26 state investment board expense account, the state investment board
27 commingled trust fund accounts, the supplemental pension account, the
28 teachers' retirement system plan 1 account, the teachers' retirement
29 system combined plan 2 and plan 3 account, the tobacco prevention and
30 control account, the tobacco settlement account, the transportation
31 infrastructure account, the tuition recovery trust fund, the University
32 of Washington bond retirement fund, the University of Washington
33 building account, the volunteer fire fighters' and reserve officers'
34 relief and pension principal fund, the volunteer fire fighters' and
35 reserve officers' administrative fund, the Washington fruit express
36 account, the Washington judicial retirement system account, the
37 Washington law enforcement officers' and fire fighters' system plan 1
38 retirement account, the Washington law enforcement officers' and fire
39 fighters' system plan 2 retirement account, the Washington school

1 employees' retirement system combined plan 2 and 3 account, the
2 Washington state health insurance pool account, the Washington state
3 patrol retirement account, the Washington State University building
4 account, the Washington State University bond retirement fund, the
5 water pollution control revolving fund, and the Western Washington
6 University capital projects account. Earnings derived from investing
7 balances of the agricultural permanent fund, the normal school
8 permanent fund, the permanent common school fund, the scientific
9 permanent fund, and the state university permanent fund shall be
10 allocated to their respective beneficiary accounts. All earnings to be
11 distributed under this subsection (4)(a) shall first be reduced by the
12 allocation to the state treasurer's service fund pursuant to RCW
13 43.08.190.

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

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

34 **Sec. 608.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each
35 amended to read as follows:

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

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

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

24 (4) Monthly, the state treasurer shall distribute the earnings
25 credited to the treasury income account. The state treasurer shall
26 credit the general fund with all the earnings credited to the treasury
27 income account except:

28 (a) The following accounts and funds shall receive their
29 proportionate share of earnings based upon each account's and fund's
30 average daily balance for the period: The capitol building
31 construction account, the Cedar River channel construction and
32 operation account, the Central Washington University capital projects
33 account, the charitable, educational, penal and reformatory
34 institutions account, the common school construction fund, the county
35 criminal justice assistance account, the county sales and use tax
36 equalization account, the data processing building construction
37 account, the deferred compensation administrative account, the deferred
38 compensation principal account, the department of retirement systems
39 expense account, the drinking water assistance account, the Eastern

1 Washington University capital projects account, the education
2 construction fund, the emergency reserve fund, the federal forest
3 revolving account, the health services account, the public health
4 services account, the health system capacity account, the personal
5 health services account, the state higher education construction
6 account, the higher education construction account, the highway
7 infrastructure account, the industrial insurance premium refund
8 account, the judges' retirement account, the judicial retirement
9 administrative account, the judicial retirement principal account, the
10 local leasehold excise tax account, the local real estate excise tax
11 account, the local sales and use tax account, the medical aid account,
12 the mobile home park relocation fund, the multimodal transportation
13 account, the municipal criminal justice assistance account, the
14 municipal sales and use tax equalization account, the natural resources
15 deposit account, the perpetual surveillance and maintenance account,
16 the public employees' retirement system plan 1 account, the public
17 employees' retirement system combined plan 2 and plan 3 account, the
18 Puyallup tribal settlement account, the resource management cost
19 account, the site closure account, the special wildlife account, the
20 state employees' insurance account, the state employees' insurance
21 reserve account, the state investment board expense account, the state
22 investment board commingled trust fund accounts, the supplemental
23 pension account, the teachers' retirement system plan 1 account, the
24 teachers' retirement system combined plan 2 and plan 3 account, the
25 tobacco prevention and control account, the tobacco settlement account,
26 the transportation infrastructure account, the tuition recovery trust
27 fund, the University of Washington bond retirement fund, the University
28 of Washington building account, the volunteer fire fighters' and
29 reserve officers' relief and pension principal fund, the volunteer fire
30 fighters' and reserve officers' administrative fund, the Washington
31 fruit express account, the Washington judicial retirement system
32 account, the Washington law enforcement officers' and fire fighters'
33 system plan 1 retirement account, the Washington law enforcement
34 officers' and fire fighters' system plan 2 retirement account, the
35 Washington school employees' retirement system combined plan 2 and 3
36 account, the Washington state health insurance pool account, the
37 Washington state patrol retirement account, the Washington State
38 University building account, the Washington State University bond
39 retirement fund, the water pollution control revolving fund, and the

1 Western Washington University capital projects account. Earnings
2 derived from investing balances of the agricultural permanent fund, the
3 normal school permanent fund, the permanent common school fund, the
4 scientific permanent fund, and the state university permanent fund
5 shall be allocated to their respective beneficiary accounts. All
6 earnings to be distributed under this subsection (4)(a) shall first be
7 reduced by the allocation to the state treasurer's service fund
8 pursuant to RCW 43.08.190.

9 (b) The following accounts and funds shall receive eighty percent
10 of their proportionate share of earnings based upon each account's or
11 fund's average daily balance for the period: The aeronautics account,
12 the aircraft search and rescue account, the county arterial
13 preservation account, the department of licensing services account, the
14 essential rail assistance account, the ferry bond retirement fund, the
15 grade crossing protective fund, the high capacity transportation
16 account, the highway bond retirement fund, the highway safety account,
17 the motor vehicle fund, the motorcycle safety education account, the
18 pilotage account, the public transportation systems account, the Puget
19 Sound capital construction account, the Puget Sound ferry operations
20 account, the recreational vehicle account, the rural arterial trust
21 account, the safety and education account, the special category C
22 account, the state patrol highway account, the transportation equipment
23 fund, the transportation fund, the transportation improvement account,
24 the transportation improvement board bond retirement account, and the
25 urban arterial trust account.

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

29 NEW SECTION. **Sec. 609.** Section 607 of this act expires March 1,
30 2002.

31 NEW SECTION. **Sec. 610.** Section 608 of this act takes effect March
32 1, 2002.

33 NEW SECTION. **Sec. 611.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

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