
HOUSE BILL 2079

State of Washington

62nd Legislature

2011 Regular Session

By Representative Morris

Read first time 04/13/11. Referred to Committee on Transportation.

1 AN ACT Relating to Washington state ferry system management and
2 ferry construction; amending RCW 47.64.280, 47.64.011, 47.64.150, and
3 47.60.315; reenacting and amending RCW 43.84.092; adding new sections
4 to chapter 47.60 RCW; adding new sections to chapter 47.64 RCW; adding
5 a new section to chapter 41.58 RCW; creating new sections; recodifying
6 RCW 47.64.280; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the ferry system
9 is an important driver of the Washington state economy, supporting jobs
10 and businesses in communities around Puget Sound. The ferry system is
11 also an integral part of the state highway system and, as such,
12 benefits all citizens by connecting communities and markets around the
13 state.

14 The legislature further finds that funding for the ferry system
15 remains insufficient to provide adequate service in support of this
16 economic engine. Further, new funding sources will only be acceptable
17 when the state can show that the ferry system manages its costs
18 prudently, while delivering reliable, safe, and quality cross-sound
19 transportation services.

1 The legislature finds that the ferry system is subject to the
2 statewide transportation system policy goals established in RCW
3 47.04.280 and yet performance criteria are not fully used by management
4 to improve operations or demonstrate to the public that ferry service
5 is being provided in the most cost-effective manner.

6 Therefore, the legislature intends to: Strengthen performance
7 incentives for Washington state ferries managers; increase the
8 accountability and transparency of ferry management and operations;
9 improve service to ferry riders; and realize cost savings in the ferry
10 system.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW
12 to read as follows:

13 (1) For the purposes of this section and section 3 of this act:

14 (a) "Management" means a Washington management services employee or
15 exempt employee at the Washington state ferries, except captains.

16 (b) "Captain" means a ferry employee classified as a master or
17 staff master of a vessel. The captain is the commanding officer who is
18 the sole individual responsible for all activities aboard a vessel,
19 including meeting or exceeding performance criteria and measurements
20 established in this section.

21 (c) "Performance criteria" means measurable standards to be used by
22 the department to evaluate the sufficiency of the services being
23 provided to ferry riders.

24 (d) "Performance report" means a report that summarizes ferry
25 system performance using the performance criteria under subsection (2)
26 of this section, identifies whether performance targets were achieved,
27 and includes a management discussion of the results.

28 (2) Performance criteria must include, but not be limited to:

29 (a) Safety performance as measured by passenger injuries per one
30 million passenger miles and by injuries per ten thousand revenue
31 service hours that are recordable by standards of the federal
32 occupational safety and health administration and related to standard
33 operating procedures;

34 (b) Service effectiveness measures including, but not limited to,
35 passenger satisfaction of interactions with ferry employees,
36 cleanliness and comfort of vessels and terminals, and satisfactory
37 response to requests for assistance. Passenger satisfaction must be

1 measured by an evaluation that is created by a contracted market
2 research company and conducted by the Washington state transportation
3 commission as part of the ferry riders' opinion group survey. The
4 Washington state transportation commission shall, to the extent
5 possible, integrate the passenger satisfaction evaluation into the
6 ferry user data survey described in RCW 47.60.286;

7 (c) On-time performance by route within ten minutes of published
8 sailing time. This measurement must exclude delays that are authorized
9 or are outside of the control of the department including, but not
10 limited to, medical issues, weather or tidal conditions, and security
11 or other safety issues;

12 (d) Cost containment measures including, but not limited to,
13 operating cost per passenger mile, operating cost per revenue service
14 mile, discretionary overtime as a percentage of straight time, and
15 gallons of fuel consumed per revenue service mile;

16 (e) Maintenance and capital program effectiveness measures
17 including, but not limited to: Project delivery rate as measured by
18 the number of projects completed on time and within the omnibus
19 transportation appropriations act; vessel and terminal design and
20 engineering costs as measured by a percentage of the total capital
21 program, including measurement of the ongoing operating and maintenance
22 costs; and total vessel out-of-service time.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.60 RCW
24 to read as follows:

25 (1) Performance targets must be established by an ad hoc committee
26 with members from and designated by the office of the governor. By
27 July 1, 2011, the ad hoc committee shall present the performance
28 targets to the representatives of the legislative transportation
29 committees and the joint transportation committee for review and
30 approval.

31 (2) By October 1, 2011, the department shall complete a performance
32 report that provides a baseline assessment of current performance using
33 final 2009-2011 data. This report must be reviewed by the office of
34 financial management and be provided to the legislative transportation
35 committees by November 1, 2011.

36 (3) By October 1, 2012, and each year thereafter, the department
37 shall complete a performance report for the prior fiscal year. This

1 report must be reviewed by the office of financial management, and the
2 findings of the report must be incorporated into the governor's
3 proposed biennial transportation budget. The office of financial
4 management shall transmit a copy of the reviewed performance report to
5 the legislature with the governor's proposed biennial transportation
6 budget.

7 (4)(a) By June 30, 2013, the Washington state ferries must meet or
8 exceed the target performance level for seventy-five percent of the
9 performance criteria under section 2(2) of this act. If the Washington
10 state ferries does not meet or exceed the target performance level for
11 seventy-five percent of the performance criteria, the department must:

12 (i) Develop and implement a request for information or a request
13 for qualifications process to identify qualifications necessary and
14 costs associated with privatizing the management functions of the
15 Washington state ferries; and

16 (ii) Present the results of the request for information or request
17 for qualifications to the transportation committees of the legislature
18 and the governor.

19 (b) In consultation with the governor's office, the transportation
20 committees of the legislature shall utilize the information provided in
21 (a) of this subsection to determine whether or not to competitively
22 contract out the management functions of the Washington state ferry
23 system the following biennium.

24 (c) If the governor and the transportation committees of the
25 legislature opt to competitively contract out the management functions
26 of the Washington state ferry system in the following biennium, the
27 contract must be a fixed cost contract that requires the private
28 management services firm to meet or exceed the target performance level
29 for seventy-five percent of the performance criteria under section 2(2)
30 of this act. Based on this performance criteria, the contract must
31 provide for incentive or retained payment arrangements as a means of
32 ensuring satisfactory performance of the contract and improved
33 performance of the ferry system over time.

34 (d) The contract must include a requirement that the firm retain
35 existing and future collective bargaining agreements as negotiated
36 between the state and the employees' labor representatives. The
37 private management services firm may rehire Washington management
38 services employees or exempt employees at the Washington state ferries.

1 (e) The contract must be for a two-year period. If the private
2 management services firm meets or exceeds the performance criteria
3 under section 2(2) of this act, the contract is renewable for an
4 additional two years for a maximum of ten years. After ten years, the
5 department shall implement an invitation for bid process.

6 (f) Consistent with RCW 41.06.142(3), the contract is not subject
7 to requirements for agencies purchasing services that have been
8 customarily and historically provided by state employees.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.64 RCW
10 to read as follows:

11 (1) Effective July 1, 2013, the marine employees' commission shall
12 sever from the masters, mates, and pilots bargaining unit all captains
13 as defined in section 2 of this act. In anticipation of the captains'
14 severance from the masters, mates, and pilots bargaining unit, the
15 marine employees' commission shall conduct an election by August 31,
16 2011, to determine representation of the captains. The marine
17 employees' commission shall certify a captains-only bargaining unit, to
18 be effective July 1, 2013, if a majority of the captains in the
19 masters, mates, and pilots bargaining unit indicate by vote that they
20 desire to be included in a captains-only bargaining unit.
21 Notwithstanding the results of the election, captains shall remain a
22 part of the masters, mates, and pilots bargaining unit through June 30,
23 2013.

24 (2) The employer and the exclusive bargaining representative for a
25 captains-only bargaining unit must negotiate a collective bargaining
26 agreement exclusive to the captains-only bargaining unit.

27 (3) For negotiations covering the 2013-2015 biennium, the employer
28 and the exclusive bargaining representative of the captains-only
29 bargaining unit must negotiate agreements that are consistent with
30 subsection (1) of this section.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.64 RCW
32 to read as follows:

33 The report required in RCW 47.01.071(5) and 47.04.280 must include
34 the performance criteria in section 2(2) of this act.

1 NEW SECTION. **Sec. 6.** By January 1, 2012, the joint transportation
2 committee shall examine and report to the legislature on the following
3 issues:

4 (1) The practice of members of a collective bargaining unit who are
5 characterized as being inactive or on a leave of absence while serving
6 in a management position; and

7 (2) The roles and responsibilities of terminal supervisors and
8 chief engineers.

9 NEW SECTION. **Sec. 7.** By December 31, 2011, the marine employees'
10 commission is merged with the public employment relations commission
11 and becomes an independent division within the public employment
12 relations commission.

13 **Sec. 8.** RCW 47.64.280 and 2010 c 283 s 14 are each amended to read
14 as follows:

15 (1) There is created the marine employees' commission within the
16 public employment relations commission. The governor shall appoint the
17 marine employees' commission with the consent of the senate. The
18 marine employees' commission shall consist of three members: One
19 member to be appointed from labor, one member from industry, and one
20 member from the public who has significant knowledge of maritime
21 affairs. The public member shall be chair of the marine employees'
22 commission. One of the original members shall be appointed for a term
23 of three years, one for a term of four years, and one for a term of
24 five years. Their successors shall be appointed for terms of five
25 years each, except that any person chosen to fill a vacancy shall be
26 appointed only for the unexpired term of the member whom he or she
27 succeeds. Marine employees' commission members are eligible for
28 reappointment. Any member of the marine employees' commission may be
29 removed by the governor, upon notice and hearing, for neglect of duty
30 or malfeasance in office, but for no other cause. Marine employees'
31 commission members are not eligible for state retirement under chapter
32 41.40 RCW by virtue of their service on the marine employees'
33 commission. Members of the marine employees' commission shall be
34 compensated in accordance with RCW 43.03.250 and shall receive
35 reimbursement for official travel and other expenses at the same rate

1 and on the same terms as provided for the transportation commission by
2 RCW 47.01.061. The payments shall be made from the Puget Sound ferry
3 operations account.

4 (2) The marine employees' commission shall: (a) Adjust all
5 complaints, grievances, and disputes between labor and management
6 arising out of the operation of the ferry system as provided in RCW
7 47.64.150; (b) provide for impasse mediation as required in RCW
8 47.64.210; and (c) perform those duties required in RCW 47.64.300.

9 (3)(a) In adjudicating all complaints, grievances, and disputes,
10 the party claiming labor disputes shall, in writing, notify the marine
11 employees' commission, which shall make careful inquiry into the cause
12 thereof and issue an order advising the ferry employee, or the ferry
13 employee organization representing him or her, and the department of
14 transportation, as to the decision of the marine employees' commission.

15 (b) The parties are entitled to offer evidence relating to disputes
16 at all hearings conducted by the marine employees' commission. The
17 orders and awards of the marine employees' commission are final and
18 binding upon any ferry employee or employees or their representative
19 affected thereby and upon the department.

20 (c) The marine employees' commission shall adopt rules of procedure
21 under chapter 34.05 RCW.

22 (d) The marine employees' commission has the authority to subpoena
23 any ferry employee or employees, or their representatives, and any
24 member or representative of the department, and any witnesses. The
25 marine employees' commission may require attendance of witnesses and
26 the production of all pertinent records at any hearings held by the
27 marine employees' commission. The subpoenas of the marine employees'
28 commission are enforceable by order of any superior court in the state
29 of Washington for the county within which the proceeding may be
30 pending.

31 The marine employees' commission may hire staff as necessary,
32 appoint consultants, enter into contracts, and conduct studies as
33 reasonably necessary to carry out this chapter.

34 NEW SECTION. Sec. 9. The public employment relations commission
35 shall evaluate the merger described in section 7 of this act and
36 provide recommendations on alternative organizational structures. A

1 report is due to the joint transportation committee by November 15,
2 2012.

3 **Sec. 10.** RCW 47.64.011 and 2006 c 164 s 1 are each amended to read
4 as follows:

5 As used in this chapter, unless the context otherwise requires, the
6 definitions in this section shall apply.

7 (1) "Collective bargaining representative" means the persons
8 designated by the governor and employee organizations to be the
9 exclusive representatives during collective bargaining negotiations.

10 (2) "Commission" means the marine employees' commission created
11 within the public employment relations commission in RCW 47.64.280 (as
12 recodified by this act).

13 (3) "Department of transportation" means the department as defined
14 in RCW 47.01.021.

15 (4) "Employer" means the state of Washington.

16 (5) "Ferry employee" means any employee of the marine
17 transportation division of the department of transportation who is a
18 member of a collective bargaining unit represented by a ferry employee
19 organization and does not include an exempt employee pursuant to RCW
20 41.06.079.

21 (6) "Ferry employee organization" means any labor organization
22 recognized to represent a collective bargaining unit of ferry
23 employees.

24 (7) "Lockout" means the refusal of the employer to furnish work to
25 ferry employees in an effort to get ferry employee organizations to
26 make concessions during collective bargaining, grievance, or other
27 labor relation negotiations. Curtailment of employment of ferry
28 employees due to lack of work resulting from a strike or work stoppage
29 shall not be considered a lockout.

30 (8) "Office of financial management" means the office as created in
31 RCW 43.41.050.

32 (9) "Strike or work stoppage" means a ferry employee's refusal, in
33 concerted action with others, to report to duty, or his or her willful
34 absence from his or her position, or his or her stoppage or slowdown of
35 work, or his or her abstinence in whole or in part from the full,
36 faithful, and proper performance of the duties of employment, for the
37 purpose of inducing, influencing, or coercing a change in conditions,

1 compensation, rights, privileges, or obligations of his, her, or any
2 other ferry employee's employment. A refusal, in good faith, to work
3 under conditions which pose an endangerment to the health and safety of
4 ferry employees or the public, as determined by the master of the
5 vessel, shall not be considered a strike for the purposes of this
6 chapter.

7 **Sec. 11.** RCW 47.64.150 and 1983 c 15 s 6 are each amended to read
8 as follows:

9 An agreement with a ferry employee organization that is the
10 exclusive representative of ferry employees in an appropriate unit may
11 provide procedures for the consideration of ferry employee grievances
12 and of disputes over the interpretation and application of agreements.
13 Negotiated procedures may provide for binding arbitration of ferry
14 employee grievances and of disputes over the interpretation and
15 application of existing agreements. An arbitrator's decision on a
16 grievance shall not change or amend the terms, conditions, or
17 applications of the collective bargaining agreement. The procedures
18 shall provide for the invoking of arbitration only with the approval of
19 the employee organization. The costs of arbitrators shall be shared
20 equally by the parties.

21 Ferry system employees shall follow either the grievance procedures
22 provided in a collective bargaining agreement, or if no such procedures
23 are so provided, shall submit the grievances to the ((~~marine~~
24 ~~employees~~)) commission as provided in RCW 47.64.280 (as recodified by
25 this act).

26 NEW SECTION. **Sec. 12.** RCW 47.64.280 is recodified as a section in
27 chapter 41.58 RCW.

28 NEW SECTION. **Sec. 13.** A new section is added to chapter 47.60 RCW
29 to read as follows:

30 (1) The capital vessel replacement account is created in the motor
31 vehicle fund. All revenues generated from the vessel replacement
32 surcharge under RCW 47.60.315(7) must be deposited into the account.
33 Moneys in the account may be spent only after appropriation.
34 Expenditures from the account may be used only for the construction or
35 purchase of ferry vessels.

1 (2) The state treasurer shall not transfer any moneys from the
2 capital vessel replacement account.

3 **Sec. 14.** RCW 47.60.315 and 2007 c 512 s 6 are each amended to read
4 as follows:

5 (1) The commission shall adopt fares and pricing policies by rule,
6 under chapter 34.05 RCW, according to the following schedule:

7 (a) Each year the department shall provide the commission a report
8 of its review of fares and pricing policies, with recommendations for
9 the revision of fares and pricing policies for the ensuing year;

10 (b) By September 1st of each year, beginning in 2008, the
11 commission shall adopt by rule fares and pricing policies for the
12 ensuing year.

13 (2) The commission may adopt by rule fares that are effective for
14 more or less than one year for the purposes of transitioning to the
15 fare schedule in subsection (1) of this section.

16 (3) The commission may increase ferry fares included in the
17 schedule of charges adopted under this section by a percentage that
18 exceeds the fiscal growth factor.

19 (4) The chief executive officer of the ferry system may authorize
20 the use of promotional, discounted, and special event fares to the
21 general public and commercial enterprises for the purpose of maximizing
22 capacity use and the revenues collected by the ferry system. The
23 department shall report to the commission a summary of the promotional,
24 discounted, and special event fares offered during each fiscal year and
25 the financial results from these activities.

26 (5) Fare revenues and other revenues deposited in the Puget Sound
27 ferry operations account created in RCW 47.60.530 may not be used to
28 support the Puget Sound capital construction account created in RCW
29 47.60.505, unless the support for capital is separately identified in
30 the fare.

31 (6) The commission may not raise fares until the fare rules contain
32 pricing policies developed under RCW 47.60.290, or September 1, 2009,
33 whichever is later.

34 (7) The commission shall impose a vessel replacement surcharge of
35 twenty-five cents on every ferry fare sold, including multiride and
36 monthly pass fares. In the event that fares are collected in one

1 direction only, the surcharge is fifty cents on every ferry fare sold.
2 This surcharge must be clearly indicated to ferry passengers and
3 drivers and, if possible, on the fare media itself.

4 **Sec. 15.** RCW 43.84.092 and 2010 1st sp.s. c 30 s 20, 2010 1st
5 sp.s. c 9 s 7, 2010 c 248 s 6, 2010 c 222 s 5, 2010 c 162 s 6, and 2010
6 c 145 s 11 are each reenacted and amended to read as follows:

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

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

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

33 (4) Monthly, the state treasurer shall distribute the earnings
34 credited to the treasury income account. The state treasurer shall
35 credit the general fund with all the earnings credited to the treasury
36 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 aeronautics account, the
4 aircraft search and rescue account, the budget stabilization account,
5 the capital vessel replacement account, the capitol building
6 construction account, the Cedar River channel construction and
7 operation account, the Central Washington University capital projects
8 account, the charitable, educational, penal and reformatory
9 institutions account, the cleanup settlement account, the Columbia
10 river basin water supply development account, the common school
11 construction fund, the county arterial preservation account, the county
12 criminal justice assistance account, the county sales and use tax
13 equalization account, the deferred compensation administrative account,
14 the deferred compensation principal account, the department of
15 licensing services account, the department of retirement systems
16 expense account, the developmental disabilities community trust
17 account, the drinking water assistance account, the drinking water
18 assistance administrative account, the drinking water assistance
19 repayment account, the Eastern Washington University capital projects
20 account, the education construction fund, the education legacy trust
21 account, the election account, the energy freedom account, the energy
22 recovery act account, the essential rail assistance account, The
23 Evergreen State College capital projects account, the federal forest
24 revolving account, the ferry bond retirement fund, the freight
25 congestion relief account, the freight mobility investment account, the
26 freight mobility multimodal account, the grade crossing protective
27 fund, the public health services account, the health system capacity
28 account, the high capacity transportation account, the state higher
29 education construction account, the higher education construction
30 account, the highway bond retirement fund, the highway infrastructure
31 account, the highway safety account, the high occupancy toll lanes
32 operations account, the hospital safety net assessment fund, the
33 industrial insurance premium refund account, the judges' retirement
34 account, the judicial retirement administrative account, the judicial
35 retirement principal account, the local leasehold excise tax account,
36 the local real estate excise tax account, the local sales and use tax
37 account, the marine resources stewardship trust account, the medical
38 aid account, the mobile home park relocation fund, the motor vehicle

1 fund, the motorcycle safety education account, the multiagency
2 permitting team account, the multimodal transportation account, the
3 municipal criminal justice assistance account, the municipal sales and
4 use tax equalization account, the natural resources deposit account,
5 the oyster reserve land account, the pension funding stabilization
6 account, the perpetual surveillance and maintenance account, the public
7 employees' retirement system plan 1 account, the public employees'
8 retirement system combined plan 2 and plan 3 account, the public
9 facilities construction loan revolving account beginning July 1, 2004,
10 the public health supplemental account, the public transportation
11 systems account, the public works assistance account, the Puget Sound
12 capital construction account, the Puget Sound ferry operations account,
13 the Puyallup tribal settlement account, the real estate appraiser
14 commission account, the recreational vehicle account, the regional
15 mobility grant program account, the resource management cost account,
16 the rural arterial trust account, the rural Washington loan fund, the
17 site closure account, the small city pavement and sidewalk account, the
18 special category C account, the special wildlife account, the state
19 employees' insurance account, the state employees' insurance reserve
20 account, the state investment board expense account, the state
21 investment board commingled trust fund accounts, the state patrol
22 highway account, the state route number 520 civil penalties account,
23 the state route number 520 corridor account, the supplemental pension
24 account, the Tacoma Narrows toll bridge account, the teachers'
25 retirement system plan 1 account, the teachers' retirement system
26 combined plan 2 and plan 3 account, the tobacco prevention and control
27 account, the tobacco settlement account, the transportation 2003
28 account (nickel account), the transportation equipment fund, the
29 transportation fund, the transportation improvement account, the
30 transportation improvement board bond retirement account, the
31 transportation infrastructure account, the transportation partnership
32 account, the traumatic brain injury account, the tuition recovery trust
33 fund, the University of Washington bond retirement fund, the University
34 of Washington building account, the urban arterial trust account, the
35 volunteer firefighters' and reserve officers' relief and pension
36 principal fund, the volunteer firefighters' and reserve officers'
37 administrative fund, the Washington judicial retirement system account,
38 the Washington law enforcement officers' and firefighters' system plan

1 retirement account, the Washington law enforcement officers' and
2 firefighters' system plan 2 retirement account, the Washington public
3 safety employees' plan 2 retirement account, the Washington school
4 employees' retirement system combined plan 2 and 3 account, the
5 Washington state health insurance pool account, the Washington state
6 patrol retirement account, the Washington State University building
7 account, the Washington State University bond retirement fund, the
8 water pollution control revolving fund, and the Western Washington
9 University capital projects account. Earnings derived from investing
10 balances of the agricultural permanent fund, the normal school
11 permanent fund, the permanent common school fund, the scientific
12 permanent fund, and the state university permanent fund shall be
13 allocated to their respective beneficiary accounts.

14 (b) Any state agency that has independent authority over accounts
15 or funds not statutorily required to be held in the state treasury that
16 deposits funds into a fund or account in the state treasury pursuant to
17 an agreement with the office of the state treasurer shall receive its
18 proportionate share of earnings based upon each account's or fund's
19 average daily balance for the period.

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

23 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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