

ESSB 5785 - S AMD 439
By Senator Lias

NOT ADOPTED 02/17/2014

1 On page 10, after line 28, insert the following:

2 "NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68 RCW
3 to read as follows:

4 Any additional revenue that is generated as a result of this act,
5 as determined by the transportation revenue forecast council, must be
6 used for the preservation of bridges on state highways.

7 **Sec. 8.** RCW 46.68.030 and 2011 c 171 s 85 are each amended to read
8 as follows:

9 (1) The director shall forward all fees for vehicle registrations
10 under chapters 46.16A and 46.17 RCW, unless otherwise specified by law,
11 to the state treasurer with a proper identifying detailed report. The
12 state treasurer shall credit these moneys to the motor vehicle fund
13 created in RCW 46.68.070.

14 (2) Proceeds from vehicle license fees and renewal vehicle license
15 fees must be deposited by the state treasurer as follows:

16 (a) \$20.35 of each initial or renewal vehicle license fee must be
17 deposited in the state patrol highway account in the motor vehicle
18 fund, hereby created.

19 (i) Except as provided in (a)(ii) of this subsection, vehicle
20 license fees, renewal vehicle license fees, and all other funds in the
21 state patrol highway account must be for the sole use of the Washington
22 state patrol for highway activities of the Washington state patrol,
23 subject to proper appropriations and reappropriations.

24 (ii) Funds deposited into the state patrol highway account pursuant
25 to section 7 of this act must be used for bridge preservation.

26 (b) \$2.02 of each initial vehicle license fee and \$0.93 of each
27 renewal vehicle license fee must be deposited each biennium in the
28 Puget Sound ferry operations account.

1 (c) Any remaining amounts of vehicle license fees and renewal
2 vehicle license fees that are not distributed otherwise under this
3 section must be deposited in the motor vehicle fund.

4 **Sec. 9.** RCW 46.68.070 and 1972 ex.s. c 103 s 6 are each amended to
5 read as follows:

6 There is created in the state treasury a permanent fund to be known
7 as the motor vehicle fund to the credit of which shall be deposited all
8 moneys directed by law to be deposited therein. This fund shall be for
9 the use of the state, and through state agencies, for the use of
10 counties, cities, and towns for proper road, street, and highway
11 purposes, including the purposes of RCW 47.30.030. Additionally,
12 proceeds deposited into the motor vehicle fund pursuant to section 7 of
13 this act must be used for bridge preservation.

14 **Sec. 10.** RCW 46.68.170 and 2013 c 306 s 705 are each amended to
15 read as follows:

16 There is hereby created in the motor vehicle fund the RV account.
17 All moneys hereafter deposited in said account shall be used by the
18 department of transportation for the construction, maintenance, and
19 operation of recreational vehicle sanitary disposal systems at safety
20 rest areas in accordance with the department's highway system plan as
21 prescribed in chapter 47.06 RCW, and, pursuant to section 7 of this
22 act, for bridge preservation. During the 2011-2013 and 2013-2015
23 fiscal biennia, the legislature may transfer from the RV account to the
24 motor vehicle fund such amounts as reflect the excess fund balance of
25 the RV account to accomplish the purposes identified in this section.

26 **Sec. 11.** RCW 46.68.280 and 2003 c 361 s 601 are each amended to
27 read as follows:

28 (1)(a) The transportation 2003 account (nickel account) is hereby
29 created in the motor vehicle fund.

30 (b) Money in the account may be spent only after appropriation.

31 (c) Except as provided in (d) of this subsection, expenditures from
32 the account must be used only for projects or improvements identified
33 as transportation 2003 projects or improvements in the omnibus
34 transportation budget and to pay the principal and interest on the
35 bonds authorized for transportation 2003 projects or improvements.

1 Upon completion of the projects or improvements identified as
2 transportation 2003 projects or improvements, moneys deposited in this
3 account must only be used to pay the principal and interest on the
4 bonds authorized for transportation 2003 projects or improvements, and
5 any funds in the account in excess of the amount necessary to make the
6 principal and interest payments may be used for maintenance on the
7 completed projects or improvements.

8 (d) Proceeds deposited into the account pursuant to section 7 of
9 this act must be used for bridge preservation.

10 (2) The "nickel account" means the transportation 2003 account.

11 **Sec. 12.** RCW 46.68.290 and 2006 c 337 s 5 are each amended to read
12 as follows:

13 (1) The transportation partnership account is hereby created in the
14 state treasury. All distributions to the account from RCW 46.68.090
15 must be deposited into the account. Money in the account may be spent
16 only after appropriation. Expenditures from the account must be used
17 only for projects or improvements identified as 2005 transportation
18 partnership projects or improvements in the omnibus transportation
19 appropriations act, including any principal and interest on bonds
20 authorized for the projects or improvements, and, pursuant to section
21 7 of this act, for bridge preservation.

22 (2) The legislature finds that:

23 (a) Citizens demand and deserve accountability of transportation-
24 related programs and expenditures. Transportation-related programs
25 must continuously improve in quality, efficiency, and effectiveness in
26 order to increase public trust;

27 (b) Transportation-related agencies that receive tax dollars must
28 continuously improve the way they operate and deliver services so
29 citizens receive maximum value for their tax dollars; and

30 (c) Fair, independent, comprehensive performance audits of
31 transportation-related agencies overseen by the elected state auditor
32 are essential to improving the efficiency, economy, and effectiveness
33 of the state's transportation system.

34 (3) For purposes of chapter 314, Laws of 2005:

35 (a) "Performance audit" means an objective and systematic
36 assessment of a state agency or agencies or any of their programs,
37 functions, or activities by the state auditor or designee in order to

1 help improve agency efficiency, effectiveness, and accountability.
2 Performance audits include economy and efficiency audits and program
3 audits.

4 (b) "Transportation-related agency" means any state agency, board,
5 or commission that receives funding primarily for transportation-
6 related purposes. At a minimum, the department of transportation, the
7 transportation improvement board or its successor entity, the county
8 road administration board or its successor entity, and the traffic
9 safety commission are considered transportation-related agencies. The
10 Washington state patrol and the department of licensing shall not be
11 considered transportation-related agencies under chapter 314, Laws of
12 2005.

13 (4) Within the authorities and duties under chapter 43.09 RCW, the
14 state auditor shall establish criteria and protocols for performance
15 audits. Transportation-related agencies shall be audited using
16 criteria that include generally accepted government auditing standards
17 as well as legislative mandates and performance objectives established
18 by state agencies. Mandates include, but are not limited to, agency
19 strategies, timelines, program objectives, and mission and goals as
20 required in RCW 43.88.090.

21 (5) Within the authorities and duties under chapter 43.09 RCW, the
22 state auditor may conduct performance audits for transportation-related
23 agencies. The state auditor shall contract with private firms to
24 conduct the performance audits.

25 (6) The audits may include:

26 (a) Identification of programs and services that can be eliminated,
27 reduced, consolidated, or enhanced;

28 (b) Identification of funding sources to the transportation-related
29 agency, to programs, and to services that can be eliminated, reduced,
30 consolidated, or enhanced;

31 (c) Analysis of gaps and overlaps in programs and services and
32 recommendations for improving, dropping, blending, or separating
33 functions to correct gaps or overlaps;

34 (d) Analysis and recommendations for pooling information technology
35 systems used within the transportation-related agency, and evaluation
36 of information processing and telecommunications policy, organization,
37 and management;

1 (e) Analysis of the roles and functions of the transportation-
2 related agency, its programs, and its services and their compliance
3 with statutory authority and recommendations for eliminating or
4 changing those roles and functions and ensuring compliance with
5 statutory authority;

6 (f) Recommendations for eliminating or changing statutes, rules,
7 and policy directives as may be necessary to ensure that the
8 transportation-related agency carry out reasonably and properly those
9 functions vested in the agency by statute;

10 (g) Verification of the reliability and validity of transportation-
11 related agency performance data, self-assessments, and performance
12 measurement systems as required under RCW 43.88.090;

13 (h) Identification of potential cost savings in the transportation-
14 related agency, its programs, and its services;

15 (i) Identification and recognition of best practices;

16 (j) Evaluation of planning, budgeting, and program evaluation
17 policies and practices;

18 (k) Evaluation of personnel systems operation and management;

19 (l) Evaluation of purchasing operations and management policies and
20 practices;

21 (m) Evaluation of organizational structure and staffing levels,
22 particularly in terms of the ratio of managers and supervisors to
23 nonmanagement personnel; and

24 (n) Evaluation of transportation-related project costs, including
25 but not limited to environmental mitigation, competitive bidding
26 practices, permitting processes, and capital project management.

27 (7) Within the authorities and duties under chapter 43.09 RCW, the
28 state auditor must provide the preliminary performance audit reports to
29 the audited state agency for comment. The auditor also may seek input
30 on the preliminary report from other appropriate officials. Comments
31 must be received within thirty days after receipt of the preliminary
32 performance audit report unless a different time period is approved by
33 the state auditor. The final performance audit report shall include
34 the objectives, scope, and methodology; the audit results, including
35 findings and recommendations; the agency's response and conclusions;
36 and identification of best practices.

37 (8) The state auditor shall provide final performance audit reports
38 to the citizens of Washington, the governor, the joint legislative

1 audit and review committee, the appropriate legislative committees, and
2 other appropriate officials. Final performance audit reports shall be
3 posted on the internet.

4 (9) The audited transportation-related agency is responsible for
5 follow-up and corrective action on all performance audit findings and
6 recommendations. The audited agency's plan for addressing each audit
7 finding and recommendation shall be included in the final audit report.
8 The plan shall provide the name of the contact person responsible for
9 each action, the action planned, and the anticipated completion date.
10 If the audited agency does not agree with the audit findings and
11 recommendations or believes action is not required, then the action
12 plan shall include an explanation and specific reasons.

13 The office of financial management shall require periodic progress
14 reports from the audited agency until all resolution has occurred. The
15 office of financial management is responsible for achieving audit
16 resolution. The office of financial management shall annually report
17 by December 31st the status of performance audit resolution to the
18 appropriate legislative committees and the state auditor. The
19 legislature shall consider the performance audit results in connection
20 with the state budget process.

21 The auditor may request status reports on specific audits or
22 findings.

23 (10) For the period from July 1, 2005, until June 30, 2007, the
24 amount of \$4,000,000 is appropriated from the transportation
25 partnership account to the state auditors office for the purposes of
26 subsections (2) through (9) of this section.

27 **Sec. 13.** RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each
28 amended to read as follows:

29 (1) The Puget Sound ferry operations account is created in the
30 motor vehicle fund.

31 (2) The following funds must be deposited into the account:

- 32 (a) All moneys directed by law;
- 33 (b) All revenues generated from ferry fares; and
- 34 (c) All revenues generated from commercial advertising,
35 concessions, parking, and leases as allowed under RCW 47.60.140.

36 (3) Moneys in the account may be spent only after appropriation.

1 (4) Expenditures from the account may be used only for the
2 maintenance, administration, and operation of the Washington state
3 ferry system, and, pursuant to section 7 of this act, for bridge
4 preservation.

5 **Sec. 14.** RCW 47.66.070 and 2000 2nd sp.s. c 4 s 2 are each amended
6 to read as follows:

7 The multimodal transportation account is created in the state
8 treasury. Moneys in the account may be spent only after appropriation.
9 Expenditures from the account may be used only for transportation
10 purposes, and, pursuant to section 7 of this act, for bridge
11 preservation."

12 Renumber the remaining section consecutively and correct any
13 internal references accordingly.

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14 On page 1, line 1 of the title, after "plates;" strike the
15 remainder of the title and insert "amending RCW 46.16A.200, 46.16A.020,
16 46.17.200, 46.18.130, 46.68.030, 46.68.070, 46.68.170, 46.68.280,
17 46.68.290, 47.60.530, and 47.66.070; reenacting and amending RCW
18 46.16A.110 and 46.18.140; adding a new section to chapter 46.68 RCW;
19 and creating a new section.

EFFECT: Requires that any additional revenue that is generated as
a result of the changes in the underlying bill must be used for the
preservation of bridges on state highways.

Makes bridge preservation an allowable expense in the following
affected accounts: The state patrol highway account, the RV account,
the transportation partnership account, the Puget Sound ferry

operations account, and the transportation 2003 (nickel) account.

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