

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1425

Chapter 376, Laws of 1997

55th Legislature
1997 Regular Session

ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES

EFFECTIVE DATE: 7/1/97

Passed by the House April 22, 1997
Yeas 93 Nays 4

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1997
Yeas 39 Nays 10

BRAD OWEN
President of the Senate

Approved May 15, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1425** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 15, 1997 - 4:26 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1425

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Capital Budget (originally sponsored by Representatives Romero, D. Schmidt, Scott and Chopp)

Read first time 02/26/97.

1 AN ACT Relating to alternative public works contracting procedures;
2 amending RCW 39.10.020, 39.10.030, 39.10.050, 39.10.060, 39.10.110,
3 39.10.120, and 39.10.902; adding a new section to chapter 39.10 RCW;
4 repealing 1996 c 18 s 17 (uncodified); providing an effective date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 39.10.020 and 1994 c 132 s 2 are each amended to read
8 as follows:

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

11 (1) "Alternative public works contracting procedure" means the
12 design-build and the general contractor/construction manager
13 contracting procedures authorized in RCW 39.10.050 and 39.10.060,
14 respectively.

15 (2) "Public body" means the state department of general
16 administration; the University of Washington; Washington State
17 University; every city with a population greater than one hundred fifty
18 thousand; every city authorized to use the design-build procedure for
19 a water system demonstration project under section 5(3) of this act;

1 every county with a population greater than four hundred fifty
2 thousand; and every port district with a population greater than five
3 hundred thousand.

4 (3) "Public works project" means any work for a public body within
5 the definition of the term public work in RCW 39.04.010.

6 **Sec. 2.** RCW 39.10.030 and 1994 c 132 s 3 are each amended to read
7 as follows:

8 (1) An alternative public works contracting procedure authorized
9 under this chapter may be used for a specific public works project only
10 after a public body determines that use of the alternative procedure
11 will serve the public interest by providing a substantial fiscal
12 benefit, or that use of the traditional method of awarding contracts in
13 lump sum to the low responsive bidder is not practical for meeting
14 desired quality standards or delivery schedules.

15 (2) Whenever a public body determines to use one of the alternative
16 public works contracting procedures authorized under this chapter for
17 a public works project, it shall first ensure adequate public
18 notification and opportunity for public review and comment (~~as~~
19 ~~follows:~~) by implementing the public hearing procedure under (a) of
20 this subsection or the written public comment procedure under (b) of
21 this subsection.

22 (a) Public hearing procedure:

23 (i) The public body shall conduct a public hearing to receive
24 public comment on its preliminary determination to use the alternative
25 public works contracting procedure. At least twenty days before the
26 public hearing, the public body shall cause notice of such hearing to
27 be published at least once in a legal newspaper of general circulation
28 published in or as near as possible to that part of the county in which
29 the public work will be done. The notice shall clearly describe the
30 proposed project and the preliminary determination to use the
31 alternative public works contracting procedure. The notice shall also
32 indicate when, where, and how persons may present their comments on the
33 preliminary determination, and where persons may obtain additional
34 written information describing the project.

35 (~~(b)~~) (ii) The public body shall summarize in a written statement
36 its reasons for using the alternative public works contracting
37 procedure. This statement, along with other relevant information

1 describing the project, shall be made available upon request to
2 interested parties at least twenty days before the public hearing.

3 ~~((e))~~ (iii) The public body shall receive and record both written
4 and oral comments concerning the preliminary determination at the
5 public hearing.

6 (b) Written public comment procedure:

7 (i) The public body shall establish a thirty-day public comment
8 period to receive public comment on its preliminary determination to
9 use the alternative public works contracting procedure. At least seven
10 days before the beginning of the public comment period, the public body
11 shall cause notice of the public comment period to be published at
12 least once in a legal newspaper of general circulation published in or
13 as near as possible to that part of the county in which the public work
14 will be done. The notice shall clearly describe the proposed project
15 and the preliminary determination to use the alternative public works
16 contracting procedure. The notice shall also indicate when, where, and
17 how persons may submit their written comments on the preliminary
18 determination, where persons may obtain additional written information
19 describing the project, and the date, time, and location of the public
20 hearing that shall be conducted under (b)(iv) of this subsection if
21 significant adverse written comments are received by the public body.

22 (ii) The public body shall summarize in a written statement its
23 reasons for using the alternative public works contracting procedure.
24 This statement, along with other relevant information describing the
25 project, shall be made available upon request to interested parties at
26 least seven days before the beginning of the public comment period.

27 (iii) The public body shall receive written comments concerning the
28 preliminary determination during the public comment period.

29 (iv) If the public body finds that it has received significant
30 adverse comments relating to the use of the alternative public works
31 contracting procedure, the public body shall conduct a public hearing
32 to receive additional oral and written public comments on its
33 preliminary determination to use the alternative public works
34 contracting procedure. The public hearing shall be held on the date
35 and at the time and location specified in the public notice published
36 under (b)(i) of this subsection. At least seven days before the
37 public hearing, the public body shall provide notice of the hearing to
38 each person who has submitted written comments, and cause a notice of
39 the hearing to be published at least once in a legal newspaper of

1 general circulation published in or as near as possible to that part of
2 the county in which the public work will be done.

3 (v) The public body shall receive and record written and oral
4 comments concerning the preliminary determination at the public
5 hearing.

6 (3) Final determinations to use an alternative public works
7 contracting procedure may be made only by the legislative or governing
8 authority of the public body, or, in the case of state agencies, by the
9 agency director or chief administrative officer. Final determinations
10 shall be accompanied by a concise statement of the principal reasons
11 for overruling any considerations urged against the determination.
12 Final determinations are subject to appeal to superior court within
13 thirty days of the determination, provided that notice of such appeal
14 shall be provided to the public body within seven days of the
15 determination. The court may award reasonable attorneys' fees to the
16 prevailing party.

17 (4) Following completion of a public works project using one of the
18 alternative public works contracting procedures under this chapter, a
19 report shall be submitted to the legislative or governing authority of
20 the public body reviewing the utilization and performance of the
21 alternative public works contracting procedure. Such report shall be
22 made available to the public.

23 **Sec. 3.** RCW 39.10.050 and 1994 c 132 s 5 are each amended to read
24 as follows:

25 (1) Notwithstanding any other provision of law, and after complying
26 with RCW 39.10.030, the following public bodies may utilize the design-
27 build procedure of public works contracting for public works projects
28 authorized under this section: The state department of general
29 administration; the University of Washington; Washington State
30 University; every city with a population greater than one hundred fifty
31 thousand; ((and)) every county with a population greater than four
32 hundred fifty thousand; and every port district with a population
33 greater than five hundred thousand. The authority granted to port
34 districts in this section is in addition to and does not affect
35 existing contracting authority under RCW 53.08.120 and 53.08.130. For
36 the purposes of this section, "design-build procedure" means a contract
37 between a public body and another party in which the party agrees to

1 both design and build the (~~structure,~~) facility, portion of the
2 facility, or other item specified in the contract.

3 (2) Public bodies authorized under this section may utilize the
4 design-build procedure for public works projects valued over ten
5 million dollars where:

6 (a) The construction activities or technologies to be used are
7 highly specialized and a design-build approach is critical in
8 developing the construction methodology or implementing the proposed
9 technology;

10 (b) The project design is repetitive in nature and is an incidental
11 part of the installation or construction; or

12 (c) (~~The program elements of the project design are simple and do~~
13 ~~not involve complex functional interrelationships~~) Regular interaction
14 with and feedback from facilities users and operators during design is
15 not critical to an effective facility design.

16 (3) (~~The state department of general administration may use the~~
17 ~~design-build procedure authorized in subsection (2)(c) of this section~~
18 ~~for one project~~) Public bodies authorized under this section may also
19 use the design-build procedure for the following projects that meet the
20 criteria in subsection (2)(b) and (c) of this section:

21 (a) The construction or erection of preengineered metal buildings
22 or prefabricated modular buildings, regardless of cost; or

23 (b) The construction of new student housing projects valued over
24 five million dollars.

25 (4) Contracts for design-build services shall be awarded through a
26 competitive process utilizing public solicitation of proposals for
27 design-build services. The public body shall publish at least once in
28 a legal newspaper of general circulation published in or as near as
29 possible to that part of the county in which the public work will be
30 done, a notice of its request for proposals for design-build services
31 and the availability and location of the request for proposal
32 documents. The request for proposal documents shall include:

33 (a) A detailed description of the project including programmatic,
34 performance, and technical requirements and specifications, functional
35 and operational elements, (~~and~~) minimum and maximum net and gross
36 areas of any building, and, at the discretion of the public body,
37 preliminary engineering and architectural drawings;

38 (b) The reasons for using the design-build procedure;

1 (c) A description of the qualifications(~~(, if any,)~~) to be required
2 of the proposer including, but not limited to, submission of the
3 proposer's accident prevention program;

4 (d) A description of the process the public body will use to
5 evaluate qualifications and proposals, including evaluation factors and
6 the relative weight of factors. Evaluation factors shall include, but
7 not be limited to: Proposal price; ability of professional personnel;
8 past performance on similar projects; ability to meet time and budget
9 requirements; ability to provide a performance and payment bond for the
10 project; recent, current, and projected work loads of the firm;
11 location; and the concept of the proposal;

12 (e) The form of the contract to be awarded;

13 (f) The maximum allowable construction cost and minority and women
14 enterprise total project goals;

15 (g) The amount to be paid to finalists submitting best and final
16 proposals who are not awarded a design-build contract; and

17 (h) Other information relevant to the project.

18 (5) The public body shall establish a committee to evaluate the
19 proposals based on the factors, weighting, and process identified in
20 the request for proposals. Based on its evaluation, the public body
21 shall select not fewer than three nor more than five finalists to
22 submit best and final proposals. The public body may, in its sole
23 discretion, reject all proposals. Design-build contracts shall be
24 awarded using the procedures in (a) or (b) of this subsection.

25 (a) Best and final proposals shall be evaluated and scored based on
26 the factors, weighting, and process identified in the initial request
27 for proposals. The public body may score the proposals using a system
28 that measures the quality and technical merits of the proposal on a
29 unit price basis. Final proposals may not be considered if the
30 proposal cost is greater than the maximum allowable construction cost
31 identified in the initial request for proposals. (~~(+6)~~) The public
32 body shall initiate negotiations with the firm submitting the highest
33 scored best and final proposal. If the public body is unable to
34 execute a contract with (~~that~~) the firm submitting the highest scored
35 best and final proposal, negotiations with that firm may be suspended
36 or terminated and the public body may proceed to negotiate with the
37 next highest scored firm. Public bodies shall continue in accordance
38 with this procedure until a contract agreement is reached or the

1 selection process is terminated. (~~The public body may, in its sole~~
2 ~~discretion, reject all proposals.~~)

3 (b) If the public body determines that all finalists are capable of
4 producing plans and specifications that adequately meet project
5 requirements, the public body may award the contract to the firm that
6 submits the responsive best and final proposal with the lowest price.

7 (6) The ((finalist)) firm awarded the contract shall provide a
8 performance and payment bond for the contracted amount. The public
9 body shall provide appropriate honorarium payments to finalists
10 submitting best and final proposals who are not awarded a design-build
11 contract. Honorarium payments shall be sufficient to generate
12 meaningful competition among potential proposers on design-build
13 projects.

14 **Sec. 4.** RCW 39.10.060 and 1996 c 18 s 6 are each amended to read
15 as follows:

16 (1) Notwithstanding any other provision of law, and after complying
17 with RCW 39.10.030, the following public bodies may utilize the general
18 contractor/construction manager procedure of public works contracting
19 for public works projects authorized under subsection (2) of this
20 section: The state department of general administration; the
21 University of Washington; Washington State University; every city with
22 a population greater than one hundred fifty thousand; every county with
23 a population greater than four hundred fifty thousand; and every port
24 district with a population greater than five hundred thousand. For the
25 purposes of this section, "general contractor/construction manager"
26 means a firm with which a public body has selected and negotiated a
27 maximum allowable construction cost to be guaranteed by the firm, after
28 competitive selection through formal advertisement and competitive
29 bids, to provide services during the design phase that may include
30 life-cycle cost design considerations, value engineering, scheduling,
31 cost estimating, constructability, alternative construction options for
32 cost savings, and sequencing of work, and to act as the construction
33 manager and general contractor during the construction phase.

34 (2) Public bodies authorized under this section may utilize the
35 general contractor/construction manager procedure for public works
36 projects valued over ten million dollars where:

37 (a) Implementation of the project involves complex scheduling
38 requirements;

1 (b) The project involves construction at an existing facility which
2 must continue to operate during construction; or

3 (c) The involvement of the general contractor/construction manager
4 during the design stage is critical to the success of the project.

5 (3) Public bodies should select general contractor/construction
6 managers early in the life of public works projects, and in most
7 situations no later than the completion of schematic design.

8 (4) Contracts for the services of a general contractor/construction
9 manager under this section shall be awarded through a competitive
10 process requiring the public solicitation of proposals for general
11 contractor/construction manager services. ~~((Minority and women
12 business enterprise total project goals shall be specified in))~~ The
13 public solicitation of proposals shall include: A description of the
14 project, including programmatic, performance, and technical
15 requirements and specifications when available; the reasons for using
16 the general contractor/construction manager procedure; a description of
17 the qualifications to be required of the proposer, including submission
18 of the proposer's accident prevention program; a description of the
19 process the public body will use to evaluate qualifications and
20 proposals, including evaluation factors and the relative weight of
21 factors; the form of the contract to be awarded; the estimated maximum
22 allowable construction cost; minority and women business enterprise
23 total project goals, where applicable; and the bid instructions to be
24 used by the general contractor/construction manager finalists. ((A
25 public body is authorized to include an incentive clause in any
26 contract awarded under this section for savings of either time or cost
27 or both from that originally negotiated. No incentives granted shall
28 exceed five percent of the maximum allowable construction cost.))
29 Evaluation factors shall include, but not be limited to: Ability of
30 professional personnel, past performance in negotiated and complex
31 projects, and ability to meet time and budget requirements; location;
32 recent, current, and projected work loads of the firm; and the concept
33 of their proposal. A public body shall establish a committee to
34 evaluate the proposals ((considering such factors as: Ability of
35 professional personnel; past performance in negotiated and complex
36 projects; ability to meet time and budget requirements; location;
37 recent, current, and projected work loads of the firm; and the concept
38 of their proposal)). After the committee has selected the most
39 qualified finalists, these finalists shall submit final proposals,

1 including sealed bids for the percent fee, which is the percentage
2 amount to be earned by the general contractor/construction manager as
3 overhead and profit, on the estimated maximum allowable construction
4 cost and the fixed amount for the detailed specified general conditions
5 work. The public body shall select the firm submitting the highest
6 scored final proposal using the evaluation factors and the relative
7 weight of factors published in the public solicitation of proposals.

8 (5) The maximum allowable construction cost may be negotiated
9 between the public body and the selected firm after the scope of the
10 project is adequately determined to establish a guaranteed contract
11 cost for which the general contractor/construction manager will provide
12 a performance and payment bond. The guaranteed contract cost includes
13 the fixed amount for the detailed specified general conditions work,
14 the negotiated maximum allowable construction cost, the percent fee on
15 the negotiated maximum allowable construction cost, and sales tax. If
16 the public body is unable to negotiate a satisfactory maximum allowable
17 construction cost with the firm selected that the public body
18 determines to be fair, reasonable, and within the available funds,
19 negotiations with that firm shall be formally terminated and the public
20 body shall negotiate with the next (~~low bidder~~) highest scored firm
21 and continue until an agreement is reached or the process is
22 terminated. If the maximum allowable construction cost varies more
23 than fifteen percent from the bid estimated maximum allowable
24 construction cost due to requested and approved changes in the scope by
25 the public body, the percent fee shall be renegotiated.

26 (6) All subcontract work shall be competitively bid with public bid
27 openings. (~~Specific contract requirements for women and minority~~
28 ~~enterprise participation shall be specified in each subcontract bid~~
29 ~~package that exceeds ten percent of the public body's estimated project~~
30 ~~cost.)) Subcontract work shall not be issued for bid until the public
31 body has approved, in consultation with the office of minority and
32 women's business enterprises or the equivalent local agency, a plan
33 prepared by the general contractor/construction manager for attaining
34 applicable minority and women business enterprise total project goals
35 that equitably spreads women and minority enterprise opportunities to
36 as many firms in as many bid packages as is practicable. When critical
37 to the successful completion of a subcontractor bid package the owner
38 and general contractor/construction manager may evaluate for bidding
39 eligibility a subcontractor's ability, time, budget, and specification~~

1 requirements based on the subcontractor's performance of those items on
2 previous projects. Subcontract bid packages shall be awarded to the
3 responsible bidder submitting the low responsive bid. The requirements
4 of RCW 39.30.060 apply to each subcontract bid package. All
5 subcontractors who bid work over ((two)) three hundred thousand dollars
6 shall post a bid bond and all subcontractors who are awarded a contract
7 over ((two)) three hundred thousand dollars shall provide a performance
8 and payment bond for their contract amount. All other subcontractors
9 shall provide a performance and payment bond if required by the general
10 contractor/construction manager. A low bidder who claims error and
11 fails to enter into a contract is prohibited from bidding on the same
12 project if a second or subsequent call for bids is made for the
13 project. ((All other subcontractors shall provide a performance and
14 payment bond if required by the general contractor/construction
15 manager.)) Except as provided for under subsection (7) of this section,
16 bidding on subcontract work by the general contractor/construction
17 manager or its subsidiaries is prohibited. The general contractor/
18 construction manager may negotiate with the low-responsive bidder in
19 accordance with RCW 39.10.080 or, if unsuccessful in such negotiations,
20 rebid.

21 ((+4)) (7) The general contractor/construction manager, or its
22 subsidiaries, may bid on subcontract work on projects valued over
23 twenty million dollars if:

24 (a) The work within the subcontract bid package is customarily
25 performed by the general contractor/construction manager;

26 (b) The bid opening is managed by the public body; and

27 (c) Notification of the general contractor/construction manager's
28 intention to bid is included in the public solicitation of bids for the
29 bid package.

30 In no event may the value of subcontract work performed by the
31 general contractor/construction manager exceed twenty percent of the
32 negotiated maximum allowable construction cost.

33 (8) A public body may include an incentive clause in any contract
34 awarded under this section for savings of either time or cost or both
35 from that originally negotiated. No incentives granted may exceed five
36 percent of the maximum allowable construction cost. If the project is
37 completed for less than the agreed upon maximum allowable construction
38 cost, any savings not otherwise negotiated as part of an incentive
39 clause shall accrue to the public body. If the project is completed

1 for more than the agreed upon maximum allowable construction cost,
2 excepting increases due to any contract change orders approved by the
3 public body, the additional cost shall be the responsibility of the
4 general contractor/construction manager.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 39.10 RCW
6 to read as follows:

7 (1) In addition to the projects authorized in RCW 39.10.050 and
8 39.10.060, public bodies may use the general contractor/construction
9 manager or design-build procedure for demonstration projects valued
10 between three million dollars and ten million dollars as follows:

11 (a) Three demonstration projects by the department of general
12 administration; and

13 (b) One demonstration project by each of the public bodies
14 authorized in RCW 39.10.020(2) other than the department of general
15 administration.

16 (2) Public bodies shall give weight to proposers' experience
17 working on projects valued between three million dollars and ten
18 million dollars in the evaluation process for the selection of a
19 general contractor/construction manager or design-build firm for
20 demonstration projects authorized in subsection (1) of this section.

21 (3) Cities which supply water to over three hundred fifty thousand
22 people may use the design-build procedure for one water system
23 demonstration project valued over ten million dollars. Use of the
24 design-build procedure shall be deemed to effect compliance with the
25 requirement for competitive bids under RCW 43.155.060.

26 (4) All contracts authorized under this section must be entered
27 into before July 1, 1999.

28 (5) In the event that a public body determines not to perform a
29 demonstration project using its authority under this section, it may
30 transfer its authority to another public body.

31 **Sec. 6.** RCW 39.10.110 and 1994 c 132 s 11 are each amended to read
32 as follows:

33 (1) There is established a temporary independent oversight
34 committee to review the utilization of the alternative public works
35 contracting procedures authorized under this chapter (~~and~~) to
36 evaluate potential future utilization of other alternative contracting
37 procedures, including, but not limited to, contractor prequalification_u

1 and, if desired by the committee, to review traditional public works
2 contracting procedures used by state agencies and municipalities. The
3 committee shall also pursue the development of a mentoring program for
4 expansion of the authorities in this chapter to other public bodies.
5 The membership of the committee shall include: Two members of the
6 house of representatives, one from each major caucus, appointed by the
7 speaker of the house of representatives; two members of the senate, one
8 from each major caucus, appointed by the president of the senate;
9 representatives from the appropriate segments of the construction,
10 contracting, subcontracting, and design industries, appointed by the
11 governor; representatives from appropriate labor organizations,
12 appointed by the governor; representatives from public bodies
13 authorized to use the alternative public works contracting procedures
14 under this chapter, appointed by the governor; a representative from
15 the office of minority and women's business enterprises, appointed by
16 the governor; and a representative from the office of financial
17 management, appointed by the governor. The governor shall maintain a
18 balance between representatives from public agencies and the private
19 sector when appointing members to the committee, and shall consider the
20 recommendations of the established organizations representing the
21 construction, contracting, subcontracting, and design industries and
22 organized labor in making the industry and labor appointments ((to the
23 committee)).

24 (2) The committee shall meet (~~(quarterly)~~) beginning after July 1,
25 1994. (~~(At the first meeting of the committee,)~~) A chair or cochair
26 shall be selected from among the committee's membership. Staff support
27 for the committee shall be provided by the agencies and organizations
28 represented on the committee.

29 (3) Public bodies utilizing the alternative contracting procedures
30 authorized under this chapter shall provide any requested information
31 concerning implementation of projects under this chapter to the
32 committee in a timely manner, excepting any trade secrets or
33 proprietary information.

34 (4) The committee shall report to the appropriate standing
35 committees of the legislature by December 10, (~~(1996)~~) 2000, concerning
36 its findings and recommendations.

37 **Sec. 7.** RCW 39.10.120 and 1995 3rd sp.s. c 1 s 305 are each
38 amended to read as follows:

1 (1) Except as provided in subsection (2) of this section, the
2 alternative public works contracting procedures authorized under this
3 chapter are limited to public works contracts signed before July 1,
4 (~~(1997)~~) 2001. Methods of public works contracting authorized by RCW
5 39.10.050 and 39.10.060 shall remain in full force and effect until
6 completion of contracts signed before July 1, (~~(1997)~~) 2001.

7 (2) For the purposes of a baseball stadium as defined in RCW
8 82.14.0485, the design-build contracting procedures under RCW 39.10.050
9 shall remain in full force and effect until completion of contracts
10 signed before December 31, 1997.

11 **Sec. 8.** RCW 39.10.902 and 1995 3rd sp.s. c 1 s 306 are each
12 amended to read as follows:

13 The following acts or parts of acts, as now existing or hereafter
14 amended, are each repealed, effective July 1, (~~(1997)~~) 2001:

- 15 (1) RCW 39.10.010 and 1994 c 132 s 1;
- 16 (2) RCW 39.10.020 and 1994 c 132 s 2;
- 17 (3) RCW 39.10.030 and 1994 c 132 s 3;
- 18 (4) RCW 39.10.040 and 1994 c 132 s 4;
- 19 (5) RCW 39.10.050 and 1994 c 132 s 5;
- 20 (6) RCW 39.10.060 and 1994 c 132 s 6;
- 21 (7) RCW 39.10.--- and 1997 c . . . s 5 (section 5 of this act);
- 22 (8) RCW 39.10.070 and 1994 c 132 s 7;
- 23 (~~(8)~~) (9) RCW 39.10.080 and 1994 c 132 s 8;
- 24 (~~(9)~~) (10) RCW 39.10.090 and 1994 c 132 s 9;
- 25 (~~(10)~~) (11) RCW 39.10.100 and 1994 c 132 s 10;
- 26 (~~(11)~~) (12) RCW 39.10.110 and 1994 c 132 s 11;
- 27 (~~(12)~~) (13) RCW 39.10.900 and 1994 c 132 s 13;
- 28 (~~(13)~~) (14) RCW 39.10.901 and 1994 c 132 s 14; and
- 29 (~~(14)~~) (15) RCW 39.10.902 and 1994 c 132 s 15.

30 NEW SECTION. **Sec. 9.** 1996 c 18 s 17 (uncodified) is repealed.

31 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 July 1, 1997.

Passed the House April 22, 1997.
Passed the Senate April 10, 1997.
Approved by the Governor May 15, 1997.
Filed in Office of Secretary of State May 15, 1997.