

ESHB 2871 - S AMD
By Senator Haugen

ADOPTED 03/07/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that effective
4 transportation planning in urbanized regions requires stronger and
5 clearer lines of responsibility and accountability.

6 The legislature further finds that integrated, multimodal
7 transportation planning will help reduce transportation congestion and
8 improve safety, and that streamlined decision making will help reduce
9 political congestion.

10 The legislature further finds that coordinated planning of,
11 investment in, and operation of transportation systems will have
12 significant benefit to the citizens of Washington, and that it is the
13 will of the people to fund regional transportation solutions, including
14 improving transit service in urbanized areas and among existing,
15 fragmented transit agencies in the region. Although equity
16 considerations must be respected, transportation problems are broader
17 and deeper than the sum of geographic subareas.

18 It is therefore the policy of the state of Washington to create a
19 regional transportation commission to develop a proposal for a regional
20 transportation governing entity more directly accountable to the
21 public, and to develop a comprehensive regional transportation finance
22 plan for the citizens of the Puget Sound metropolitan region.

23 NEW SECTION. **Sec. 2.** (1) The regional transportation commission
24 is established.

25 (2) The commission shall consist of nine voting commissioners. The
26 commissioners shall be appointed by the governor by June 1, 2006. The
27 governor shall appoint four commissioners from designated lists of
28 three nominees submitted by each major party caucus of the legislature,
29 with one commissioner to be appointed from each respective list of

1 nominees. The governor shall appoint the additional five commissioners
2 independent of the legislative caucus nominees. In addition, the
3 secretary of transportation or the secretary's designee shall serve as
4 a nonvoting member. Appointments of commissioners must reflect
5 geographical balance and diversity of populations within the central
6 Puget Sound region and, to the extent possible, include commissioners
7 with special expertise in relevant fields such as funding, planning,
8 and construction of transportation improvement projects, structural
9 reorganizations, and operation of transportation systems. Appointees
10 must be citizen members who do not hold public office. Vacancies for
11 any appointed commission seat shall be filled in the same manner as the
12 original appointments were made.

13 (3) The term of office for a commissioner begins seven days
14 following appointment by the governor. A commissioner must be a
15 qualified elector under the state Constitution when his or her term of
16 office begins.

17 (4) The commission chair presides over the commission and sets the
18 commission agenda subject to general rules established by the
19 commission. Except as provided otherwise in this act, the commission
20 chair appoints all members of the committees, councils, and boards
21 created by the rules of the commission. The commission chair shall be
22 designated by the governor from among the commissioners appointed under
23 subsection (2) of this section.

24 (5) Each member of the commission is eligible to receive
25 compensation in an amount not to exceed two hundred fifty dollars for
26 each day during which the member attends an official meeting of the
27 group or performs statutorily prescribed duties approved by the chair.
28 A commissioner may be compensated under this subsection only if the
29 compensation is necessarily incurred in the course of authorized
30 business, consistent with the responsibilities of the commission
31 established by this act.

32 (6) The commission may be entitled to state funding, as
33 appropriated by the legislature, to pay for expenses incurred by the
34 commission and the department of transportation and through contracts
35 in carrying out the duties authorized in this act.

36 (7) The department of transportation shall provide staff support to
37 the commission and, upon request of the commission, contract with other
38 parties for staff support to the commission.

1 NEW SECTION. **Sec. 3.** The regional transportation commission has
2 the following duties:

3 (1) Evaluate transportation governance in the central Puget Sound
4 area within the jurisdiction of the Puget Sound regional council. This
5 evaluation must include an assessment of the current roles of regional
6 transportation agencies, including regional transportation and
7 metropolitan planning organizations, the regional transit authority,
8 regional transportation investment districts, county and municipal
9 agencies operating transit services, and cities, counties, and other
10 public agencies providing transportation services or facilities,
11 including the state department of transportation. The commission shall
12 assess and develop recommendations for what steps should be taken to:

13 (a) Consolidate governance among agencies, including changes in
14 institutional powers, structures, and relationships and governance
15 needed to improve accountability for transportation decisions, while
16 enhancing the regional focus for transportation decisions and
17 maintaining equity among citizens in the region;

18 (b) Improve coordination in the planning of transportation
19 investments and services;

20 (c) Improve investment strategies;

21 (d) Coordinate transportation planning and investments with adopted
22 land use policies within the region;

23 (e) Enhance efficiency and coordination in the delivery of services
24 provided;

25 (f) Adjust boundaries for agencies or functions within the region
26 to address existing and future transportation and land use issues; and

27 (g) Improve coordination between regional investments and federal
28 funds, and state funding, including those administered by the
29 transportation improvement board, the county road administration board,
30 and the freight mobility strategic investment board;

31 (2) Develop options for a regional transportation governance
32 proposal that include, at a minimum, an option providing for the
33 formation of a regional transportation governing entity, of which all
34 of its members must be directly elected, the revenue sources that will
35 be available to such entity, and the scope of planning authority of
36 such entity. The commission shall consult with affected jurisdictions
37 when developing a proposal under this subsection;

1 (3) Develop a comprehensive financing strategy and recommended
2 revenue options for improving transportation system performance within
3 the region through investments in transportation projects, including,
4 but not limited to, system-wide pricing policies and network value-
5 pricing charges;

6 (4) Publicize the commission's proposal referenced in subsection
7 (2) of this section, and the list of revenue options referenced in
8 subsection (3) of this section, by November 15, 2006, and provide at
9 least fifteen days for public comment;

10 (5) Adopt the proposal referenced in subsection (2) of this
11 section, and the list of revenue options referenced in subsection (3)
12 of this section, and submit them to the legislature by January 1, 2007,
13 after which time the commission shall dissolve; and

14 (6) Conduct public meetings to assure active public participation
15 in the development of the recommendations, proposal, and finance plan
16 under this section.

17 **Sec. 4.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Board" means the governing body of a regional transportation
22 investment district.

23 (2) "Department" means the Washington state department of
24 transportation.

25 (3) "Highway of statewide significance" means an existing or
26 proposed state route or federal interstate designated as a highway of
27 statewide significance by the transportation commission, its successor
28 entity, or the legislature.

29 (4) "Lead agency" means a public agency that by law can plan,
30 design, and build a transportation project and has been so designated
31 by the district.

32 (5) "Regional transportation investment district" or "district"
33 means a municipal corporation (~~((whose boundaries are coextensive with~~
34 ~~two or more contiguous counties and))~~) that has been created by county
35 legislative authorities and a vote of the people under this chapter to
36 implement a regional transportation investment plan.

1 (6) "Regional transportation investment district planning
2 committee" or "planning committee" means the advisory committee created
3 under RCW 36.120.030 to create and propose to county legislative
4 authorities a regional transportation investment plan to develop,
5 finance, and construct transportation projects.

6 (7) "Regional transportation investment plan" or "plan" means a
7 plan to develop, construct, and finance a transportation project or
8 projects.

9 (8) "Transportation project" means:

10 (a) A capital improvement or improvements to a highway that has
11 been designated, in whole or in part, as a highway of statewide
12 significance, including an extension, that:

13 (i) Adds a lane or new lanes to an existing state or federal
14 highway; or

15 (ii) Repairs or replaces a lane or lanes damaged by an event
16 declared an emergency by the governor before January 1, 2002.

17 (b) A capital improvement or improvements to all or a portion of a
18 highway of statewide significance, including an extension, and may
19 include the following associated multimodal capital improvements:

20 (i) Approaches to highways of statewide significance;

21 (ii) High-occupancy vehicle lanes;

22 (iii) Flyover ramps;

23 (iv) Park and ride lots;

24 (v) Bus pullouts;

25 (vi) Vans for vanpools;

26 (vii) Buses; and

27 (viii) Signalization, ramp metering, and other transportation
28 system management improvements.

29 (c) A capital improvement or improvements to all or a portion of a
30 city street, county road, or existing highway or the creation of a new
31 highway that intersects with a highway of statewide significance, if
32 all of the following conditions are met:

33 (i) The project is included in a plan that makes highway
34 improvement projects that add capacity to a highway or highways of
35 statewide significance;

36 (ii) The secretary of transportation determines that the project
37 would better relieve traffic congestion than investing that same money
38 in adding capacity to a highway of statewide significance;

1 (iii) Matching money equal to (~~one-third~~) fifteen percent of the
2 total cost of the project is provided by local entities, including but
3 not limited to a metropolitan planning organization, county, city,
4 port, or private entity in which a county participating in a plan is
5 located. Local entities may use federal grants to meet this matching
6 requirement;

7 (iv) In no case may the cumulative regional transportation
8 investment district contribution to all projects constructed under this
9 subsection (8)(c) exceed ten percent of the revenues generated by the
10 district;

11 (v) In no case may the cumulative regional transportation
12 investment district contribution to all projects constructed under this
13 subsection (8)(c) exceed one billion dollars; and

14 (vi) The specific projects are included within the plan and
15 submitted as part of the plan to a vote of the people.

16 (d) Except as otherwise provided in this subsection, operations,
17 preservation, and maintenance are excluded from this definition and may
18 not be included in a regional transportation investment plan. However,
19 operations, preservation, and maintenance of tolled facilities where
20 toll revenues have been pledged for the payment of contracts is
21 expressly authorized and may be included in a regional transportation
22 investment plan. The authority under this subsection includes
23 operational expenses for toll enforcement.

24 (e) Operational expenses for traffic mitigation provided solely for
25 transportation project construction mitigation directly related to
26 specific projects as outlined in the plan shall be included in a
27 regional transportation investment plan. Construction mitigation
28 strategies may include, but are not limited to, funding for increased
29 transit service hours, trip reduction incentives, nonmotorized mode
30 support, and ridematching services. Prior to construction of any
31 project, corridor mitigation plans must be developed in conjunction
32 with the department and partner transit agencies, including local
33 transit agencies and the regional transit authority serving the
34 counties, with the following goals: (i) Reducing drive alone trips in
35 affected corridors; (ii) reducing delay per person and delay per unit
36 of goods in affected corridors; and (iii) improving levels of service
37 that improve system performance for all transportation users in
38 affected corridors. The regional transportation commission established

1 under section 2 of this act, or a successor regional governing entity,
2 shall review transit investments according to these performance
3 measures to determine whether to continue funding for successful and
4 effective operations after the construction period is completed.

5 (9) "Weighted vote" means a vote that reflects the population each
6 board or planning committee member represents relative to the
7 population represented by the total membership of the board or planning
8 committee. Population will be determined using the federal 2000 census
9 or subsequent federal census data.

10 **Sec. 5.** RCW 36.120.030 and 2002 c 56 s 103 are each amended to
11 read as follows:

12 Regional transportation investment district planning committees are
13 advisory entities that are created, convened, and empowered as follows:

14 (1) A county with a population over one million five hundred
15 thousand persons and any adjoining counties with a population over five
16 hundred thousand persons may create a regional transportation
17 investment district and shall convene a regional transportation
18 investment district planning committee.

19 (a) The boundaries of the district should include at least the
20 contiguous areas within the regional transit authority serving the
21 counties. The boundaries must be proposed by the planning committee
22 and approved by the county legislative authorities by ordinance before
23 or in conjunction with approval of a regional transportation investment
24 plan. Boundaries must follow complete parcels of land. However, any
25 portion of a county that is located on a peninsula shall be exempt from
26 a regional transportation investment district in which more than one
27 county is included if (i) the portion of the county located on the
28 peninsula is connected to the other portion of the county by a bridge
29 improved under chapter 47.46 RCW, and (ii) the county has a national
30 park and a population of more than five hundred thousand persons, but
31 less than one million five hundred thousand persons.

32 (b) After voters within the district boundaries have approved a
33 plan under RCW 36.120.070, elections to add areas to the district
34 boundaries may be called by a resolution of the board, after
35 consultation with the regional transportation planning organization and
36 affected transit agencies and with the concurrence of the legislative
37 authority of the city or town if the area is incorporated or with the

1 concurrence of the county legislative authority if the area is
2 unincorporated. The election may include a single ballot measure
3 providing annexation to the district, approval of the plan, and
4 approval of revenue sources necessary to finance the plan. The
5 electorate are the voters voting within the proposed area to be
6 annexed. A simple majority of the persons voting on the single ballot
7 measure is required for approval of the measure.

8 (2) The members of the legislative authorities participating in
9 planning under this chapter shall serve as the district planning
10 committee. Members of the planning committee receive no compensation,
11 but may be reimbursed for travel and incidental expenses as the
12 planning committee deems appropriate.

13 The secretary of transportation, or the appropriate regional
14 administrator of the department, as named by the secretary, shall serve
15 on the committee as a nonvoting member.

16 (3) A regional transportation investment district planning
17 committee may be entitled to state funding, as appropriated by the
18 legislature, for start-up funding to pay for salaries, expenses,
19 overhead, supplies, and similar expenses ordinarily and necessarily
20 incurred in selecting transportation projects and funding for those
21 transportation projects under this chapter. Upon creation of a
22 regional transportation investment district, the district shall within
23 one year reimburse the state for any sums advanced for these start-up
24 costs from the state.

25 (4) The planning committee shall conduct its affairs and formulate
26 a regional transportation investment plan as provided under RCW
27 36.120.040, except that it shall elect an executive board of seven
28 members to discharge the duties of the planning committee and formulate
29 a regional transportation investment plan, subject to the approval of
30 the full committee.

31 (5) At its first meeting, a regional transportation investment
32 district planning committee may elect officers and provide for the
33 adoption of rules and other operating procedures.

34 (6) Governance of and decisions by a regional transportation
35 investment district planning committee must be by a sixty-percent
36 weighted majority vote of the total membership.

37 (7) The planning committee may dissolve itself at any time by a

1 two-thirds weighted majority vote of the total membership of the
2 planning committee.

3 (8) If a multicounty regional transportation investment district is
4 not formed by December 1, 2007, through approval by the voters voting
5 on a regional transportation investment plan, then the authority under
6 this chapter to create a district, and to fund and construct
7 transportation projects, shall be available to each of the eligible
8 counties described in subsection (1) of this section on an individual
9 and independent basis.

10 **Sec. 6.** RCW 36.120.040 and 2003 c 194 s 1 are each amended to read
11 as follows:

12 (1) A regional transportation investment district planning
13 committee shall adopt a regional transportation investment plan
14 providing for the development, construction, and financing of
15 transportation projects. The planning committee may consider the
16 following factors in formulating its plan:

- 17 (a) Land use planning criteria;
- 18 (b) The input of cities located within a participating county; and
- 19 (c) The input of regional transportation planning organizations
20 ~~((in))~~ of which a participating county is ~~((located))~~ a member. A
21 regional transportation planning organization in which a participating
22 county is located shall review its adopted regional transportation plan
23 and submit, for the planning committee's consideration, its list of
24 transportation improvement priorities.

25 (2) The planning committee may coordinate its activities with the
26 department, which shall provide services, data, and personnel to assist
27 in this planning as desired by the planning committee. In addition,
28 the planning committee may coordinate its activities with affected
29 cities, towns, and other local governments, including any regional
30 transit authority existing within the participating counties'
31 boundaries, that engage in transportation planning.

- 32 (3) The planning committee shall:
 - 33 (a) Conduct public meetings that are needed to assure active public
34 participation in the development of the plan;
 - 35 (b) Adopt a plan proposing the:
 - 36 (i) Creation of a regional transportation investment district,
37 including district boundaries; and

1 (ii) Construction of transportation projects to improve mobility
2 within each county and within the region. Operations, maintenance, and
3 preservation of facilities or systems may not be part of the plan,
4 except for the limited purposes provided under RCW 36.120.020(8); and

5 (c) Recommend sources of revenue authorized by RCW 36.120.050 and
6 a financing plan to fund selected transportation projects. The overall
7 plan of the district must leverage the district's financial
8 contributions so that the federal, state, local, and other revenue
9 sources continue to fund major congestion relief and transportation
10 capacity improvement projects in each county and the district. A
11 combination of local, state, and federal revenues may be necessary to
12 pay for transportation projects, and the planning committee shall
13 consider all of these revenue sources in developing a plan.

14 (4) The plan must use tax revenues and related debt for projects
15 that generally benefit a participating county in proportion to the
16 general level of tax revenues generated within that participating
17 county. This equity principle applies to all modifications to the
18 plan, appropriation of contingency funds not identified within the
19 project estimate, and future phases of the plan. Per agreement with a
20 regional transit authority serving the counties participating in a
21 district, the equity principle identified under this subsection may
22 include using the combined district and regional transit authority
23 revenues generated within a participating county to determine the
24 distribution that proportionally benefits the county. For purposes of
25 the transportation subarea equity principle established under this
26 subsection, a district may use the five subareas within a regional
27 transit authority's boundaries as identified in an authority's system
28 plan adopted in May 1996. During implementation of the plan, the board
29 shall retain the flexibility to manage distribution of revenues, debt,
30 and project schedules so that the district may effectively implement
31 the plan. Nothing in this section should be interpreted to prevent the
32 district from pledging district- wide tax revenues for payment of any
33 contract or debt entered into under RCW 36.120.130.

34 (5) Before adopting the plan, the planning committee, with
35 assistance from the department, shall work with the lead agency to
36 develop accurate cost forecasts for transportation projects. This
37 project costing methodology must be integrated with revenue forecasts
38 in developing the plan and must at a minimum include estimated project

1 costs in constant dollars as well as year of expenditure dollars, the
2 range of project costs reflected by the level of project design,
3 project contingencies, identification of mitigation costs, the range of
4 revenue forecasts, and project and plan cash flow and bond analysis.
5 The plan submitted to the voters must provide cost estimates for each
6 project, including reasonable contingency costs. Plans submitted to
7 the voters must provide that the maximum amount possible of the funds
8 raised will be used to fund projects in the plan, including
9 environmental improvements and mitigation, and that administrative
10 costs be minimized. If actual revenue exceeds actual plan costs, the
11 excess revenues must be used to retire any outstanding debt associated
12 with the plan.

13 (6) If a county opts not to adopt the plan or participate in the
14 regional transportation investment district, but two or more contiguous
15 counties do choose to continue to participate, then the planning
16 committee may, within ninety days, redefine the regional transportation
17 investment plan and the ballot measure to be submitted to the people to
18 reflect elimination of the county, and submit the redefined plan to the
19 legislative authorities of the remaining counties for their decision as
20 to whether to continue to adopt the redefined plan and participate.
21 This action must be completed within sixty days after receipt of the
22 redefined plan.

23 (7) Once adopted by the planning committee, the plan must be
24 forwarded to the participating county legislative authorities to
25 initiate the election process under RCW 36.120.070. The planning
26 committee shall at the same time provide notice to each city and town
27 within the district, the governor, the chairs of the transportation
28 committees of the legislature, the secretary of transportation, and
29 each legislator whose legislative district is partially or wholly
30 within the boundaries of the district.

31 (8) If the ballot measure is not approved, the planning committee
32 may redefine the selected transportation projects, financing plan, and
33 the ballot measure. The county legislative authorities may approve the
34 new plan and ballot measure, and may then submit the revised
35 proposition to the voters at the next election or a special election.
36 If no ballot measure is approved by the voters by the third vote, the
37 planning committee is dissolved.

1 NEW SECTION. Sec. 7. A new section is added to chapter 36.120 RCW
2 to read as follows:

3 The planning committee must develop and include in the regional
4 transportation investment plan a funding proposal for the state route
5 number 520 bridge replacement and HOV project that assures full project
6 funding for seismic safety and corridor connectivity on state route
7 number 520 between Interstate 5 and Interstate 405.

8 **Sec. 8.** RCW 36.120.070 and 2002 c 56 s 107 are each amended to
9 read as follows:

10 (1) Beginning no sooner than the 2007 general election, two or more
11 contiguous county legislative authorities, or a single county
12 legislative authority as provided under RCW 36.120.030(8), upon receipt
13 of the regional transportation investment plan under RCW 36.120.040,
14 may (~~certify the plan to the ballot, including identification of the~~
15 ~~tax options~~) submit to the voters of the proposed district a single
16 ballot measure that approves formation of the district, approves the
17 regional transportation investment plan, and approves the revenue
18 sources necessary to (~~fund~~) finance the plan. (~~County legislative~~
19 authorities)) For a county to participate in the plan, the county
20 legislative authority shall, within ninety days after receiving the
21 plan, adopt an ordinance indicating the county's participation. The
22 planning committee may draft (~~a ballot title,~~) the ballot measure on
23 behalf of the county legislative authorities, and the county
24 legislative authorities may give notice as required by law for ballot
25 measures, and perform other duties as required to (~~put the plan~~
26 ~~before~~) submit the measure to the voters of the proposed district for
27 their approval or rejection (~~as a single ballot measure that both~~
28 ~~approves formation of the district and approves the plan~~)). Counties
29 may negotiate interlocal agreements necessary to implement the plan.
30 The electorate will be the voters voting within the boundaries of the
31 (~~participating counties~~) proposed district. A simple majority of the
32 total persons voting on the single ballot measure (~~to approve the~~
33 ~~plan, establish the district, and approve the taxes and fees~~) is
34 required for approval.

35 (2) In conjunction with RCW 81.112.030(10), at the 2007 general
36 election the participating counties shall submit a regional
37 transportation investment plan on the same ballot along with a

1 proposition to support additional implementation phases of the
2 authority's system and financing plan developed under chapter 81.112
3 RCW. The plan shall not be considered approved unless voters also
4 approve the proposition to support additional implementation phases of
5 the authority's system and financing plan.

6 **Sec. 9.** RCW 29A.36.071 and 2004 c 271 s 169 are each amended to
7 read as follows:

8 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
9 or 82.80.090, the ballot title of any referendum filed on an enactment
10 or portion of an enactment of a local government and any other question
11 submitted to the voters of a local government consists of three
12 elements: (a) An identification of the enacting legislative body and
13 a statement of the subject matter; (b) a concise description of the
14 measure; and (c) a question. The ballot title must conform with the
15 requirements and be displayed substantially as provided under RCW
16 29A.72.050, except that the concise description must not exceed
17 seventy-five words; however, a concise description submitted on behalf
18 of a proposed or existing regional transportation investment district
19 may exceed seventy- five words. If the local governmental unit is a
20 city or a town, the concise statement shall be prepared by the city or
21 town attorney. If the local governmental unit is a county, the concise
22 statement shall be prepared by the prosecuting attorney of the county.
23 If the unit is a unit of local government other than a city, town, or
24 county, the concise statement shall be prepared by the prosecuting
25 attorney of the county within which the majority area of the unit is
26 located.

27 (2) A referendum measure on the enactment of a unit of local
28 government shall be advertised in the manner provided for nominees for
29 elective office.

30 (3) Subsection (1) of this section does not apply if another
31 provision of law specifies the ballot title for a specific type of
32 ballot question or proposition.

33 **Sec. 10.** RCW 36.120.080 and 2002 c 56 s 108 are each amended to
34 read as follows:

35 If the voters approve the plan, including creation of a regional
36 transportation investment district and imposition of taxes and fees,

1 the district will be declared formed. The county election officials of
2 participating counties shall, within fifteen days of the final
3 certification of the election results, publish a notice in a newspaper
4 or newspapers of general circulation in the district declaring the
5 district formed, and mail copies of the notice to the governor, the
6 secretary of transportation, the executive director of the regional
7 transit authority in which any part of the district is located, and the
8 executive director of the regional transportation planning organization
9 in which any part of the district is located. A party challenging the
10 procedure or the formation of a voter-approved district must file the
11 challenge in writing by serving the prosecuting attorney of the
12 participating counties and the attorney general within thirty days
13 after the final certification of the election. Failure to challenge
14 within that time forever bars further challenge of the district's valid
15 formation.

16 **Sec. 11.** RCW 36.120.110 and 2002 c 56 s 111 are each amended to
17 read as follows:

18 (1) The governing board of the district is responsible for the
19 execution of the voter-approved plan. The board shall:

20 (a) Impose taxes and fees authorized by district voters;

21 (b) Enter into agreements with state, local, and regional agencies
22 and departments as necessary to accomplish district purposes and
23 protect the district's investment in transportation projects;

24 (c) Accept gifts, grants, or other contributions of funds that will
25 support the purposes and programs of the district;

26 (d) Monitor and audit the progress and execution of transportation
27 projects to protect the investment of the public and annually make
28 public its findings;

29 (e) Pay for services and enter into leases and contracts, including
30 professional service contracts;

31 (f) Hire no more than ten employees, including a director or
32 executive officer, a treasurer or financial officer, a project manager
33 or engineer, a project permit coordinator, and clerical staff; and

34 (g) Coordinate its activities with affected cities, towns, and
35 other local governments, including any regional transit authority
36 existing either partially or entirely within the district area, that
37 engage in transportation planning; and

1 (h) Exercise other powers and duties as may be reasonable to carry
2 out the purposes of the district.

3 (2) It is the intent of the legislature that existing staff
4 resources of lead agencies be used in implementing this chapter. A
5 district may coordinate its activities with the department, which shall
6 provide services, data, and personnel to assist as desired by the
7 regional transportation investment district. Lead agencies for
8 transportation projects that are not state facilities shall also
9 provide staff support for the board.

10 (3) A district may not acquire, hold, or dispose of real property.

11 (4) Except for the limited purposes provided under RCW
12 36.120.020(8), a district may not own, operate, or maintain an ongoing
13 facility, road, or transportation system.

14 (5) A district may accept and expend or use gifts, grants, or
15 donations.

16 (6) It is the intent of the legislature that administrative and
17 overhead costs of a regional transportation investment district be
18 minimized. For transportation projects costing up to fifty million
19 dollars, administrative and overhead costs may not exceed three percent
20 of the total construction and design project costs per year. For
21 transportation projects costing more than fifty million dollars,
22 administrative and overhead costs may not exceed three percent of the
23 first fifty million dollars in costs, plus an additional one-tenth of
24 one percent of each additional dollar above fifty million. These
25 limitations apply only to the district, and do not limit the
26 administration or expenditures of the department.

27 (7) A district may use the design-build procedure for
28 transportation projects developed by it. As used in this section
29 "design-build procedure" means a method of contracting under which the
30 district contracts with another party for that party to both design and
31 build the structures, facilities, and other items specified in the
32 contract. The requirements and limitations of RCW 47.20.780 and
33 47.20.785 do not apply to the transportation projects under this
34 chapter.

35 **Sec. 12.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read
36 as follows:

37 Two or more contiguous counties each having a population of four

1 hundred thousand persons or more may establish a regional transit
2 authority to develop and operate a high capacity transportation system
3 as defined in chapter 81.104 RCW.

4 The authority shall be formed in the following manner:

5 (1) The joint regional policy committee created pursuant to RCW
6 81.104.040 shall adopt a system and financing plan, including the
7 definition of the service area. This action shall be completed by
8 September 1, 1992, contingent upon satisfactory completion of the
9 planning process defined in RCW 81.104.100. The final system plan
10 shall be adopted no later than June 30, 1993. In addition to the
11 requirements of RCW 81.104.100, the plan for the proposed system shall
12 provide explicitly for a minimum portion of new tax revenues to be
13 allocated to local transit agencies for interim express services. Upon
14 adoption the joint regional policy committee shall immediately transmit
15 the plan to the county legislative authorities within the adopted
16 service area.

17 (2) The legislative authorities of the counties within the service
18 area shall decide by resolution whether to participate in the
19 authority. This action shall be completed within forty-five days
20 following receipt of the adopted plan or by August 13, 1993, whichever
21 comes first.

22 (3) Each county that chooses to participate in the authority shall
23 appoint its board members as set forth in RCW 81.112.040 and shall
24 submit its list of members to the secretary of the Washington state
25 department of transportation. These actions must be completed within
26 thirty days following each county's decision to participate in the
27 authority.

28 (4) The secretary shall call the first meeting of the authority, to
29 be held within thirty days following receipt of the appointments. At
30 its first meeting, the authority shall elect officers and provide for
31 the adoption of rules and other operating procedures.

32 (5) The authority is formally constituted at its first meeting and
33 the board shall begin taking steps toward implementation of the system
34 and financing plan adopted by the joint regional policy committee. If
35 the joint regional policy committee fails to adopt a plan by June 30,
36 1993, the authority shall proceed to do so based on the work completed
37 by that date by the joint regional policy committee. Upon formation of
38 the authority, the joint regional policy committee shall cease to

1 exist. The authority may make minor modifications to the plan as
2 deemed necessary and shall at a minimum review local transit agencies'
3 plans to ensure feeder service/high capacity transit service
4 integration, ensure fare integration, and ensure avoidance of parallel
5 competitive services. The authority shall also conduct a minimum
6 thirty-day public comment period.

7 (6) If the authority determines that major modifications to the
8 plan are necessary before the initial ballot proposition is submitted
9 to the voters, the authority may make those modifications with a
10 favorable vote of two-thirds of the entire membership. Any such
11 modification shall be subject to the review process set forth in RCW
12 81.104.110. The modified plan shall be transmitted to the legislative
13 authorities of the participating counties. The legislative authorities
14 shall have forty-five days following receipt to act by motion or
15 ordinance to confirm or rescind their continued participation in the
16 authority.

17 (7) If any county opts to not participate in the authority, but two
18 or more contiguous counties do choose to continue to participate, the
19 authority's board shall be revised accordingly. The authority shall,
20 within forty-five days, redefine the system and financing plan to
21 reflect elimination of one or more counties, and submit the redefined
22 plan to the legislative authorities of the remaining counties for their
23 decision as to whether to continue to participate. This action shall
24 be completed within forty-five days following receipt of the redefined
25 plan.

26 (8) The authority shall place on the ballot within two years of the
27 authority's formation, a single ballot proposition to authorize the
28 imposition of taxes to support the implementation of an appropriate
29 phase of the plan within its service area. In addition to the system
30 plan requirements contained in RCW 81.104.100(2)(d), the system plan
31 approved by the authority's board before the submittal of a proposition
32 to the voters shall contain an equity element which:

33 (a) Identifies revenues anticipated to be generated by corridor and
34 by county within the authority's boundaries;

35 (b) Identifies the phasing of construction and operation of high
36 capacity system facilities, services, and benefits in each corridor.
37 Phasing decisions should give priority to jurisdictions which have
38 adopted transit-supportive land use plans; and

1 (c) Identifies the degree to which revenues generated within each
2 county will benefit the residents of that county, and identifies when
3 such benefits will accrue.

4 A simple majority of those voting within the boundaries of the
5 authority is required for approval. If the vote is affirmative, the
6 authority shall begin implementation of the projects identified in the
7 proposition. However, the authority may not submit any authorizing
8 proposition for voter-approved taxes prior to July 1, 1993; nor may the
9 authority issue bonds or form any local improvement district prior to
10 July 1, 1993.

11 (9) If the vote on a proposition fails, the board may redefine the
12 proposition, make changes to the authority boundaries, and make
13 corresponding changes to the composition of the board. If the
14 composition of the board is changed, the participating counties shall
15 revise the membership of the board accordingly. The board may then
16 submit the revised proposition or a different proposition to the
17 voters. No single proposition may be submitted to the voters more than
18 twice. Beginning no sooner than the 2007 general election, the
19 authority may place additional propositions on the ballot to impose
20 taxes to support additional phases of plan implementation.

21 (10) In conjunction with RCW 36.120.070, at the 2007 general
22 election the authority shall submit a proposition to support additional
23 implementation phases of the authority's system and financing plan on
24 the same ballot along with a regional transportation investment plan
25 developed under chapter 36.120 RCW. The proposition shall not be
26 considered approved unless voters also approve the regional
27 transportation investment plan.

28 (11) Additional phases of plan implementation may include a
29 transportation subarea equity element which (a) identifies the combined
30 authority and regional transportation investment district revenues
31 anticipated to be generated by corridor and by county within the
32 authority's boundaries, and (b) identifies the degree to which the
33 combined authority and regional transportation investment district
34 revenues generated within each county will benefit the residents of
35 that county, and identifies when such benefits will accrue. For
36 purposes of the transportation subarea equity principle established
37 under this subsection, the authority may use the five subareas within

1 the authority's boundaries as identified in the authority's system plan
2 adopted in May 1996.

3 (12) If the authority is unable to achieve a positive vote on a
4 proposition within two years from the date of the first election on a
5 proposition, the board may, by resolution, reconstitute the authority
6 as a single-county body. With a two-thirds vote of the entire
7 membership of the voting members, the board may also dissolve the
8 authority.

9 **Sec. 13.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to
10 read as follows:

11 (1) A regional transportation investment district planning
12 committee may, as part of a regional transportation investment plan,
13 recommend the imposition or authorization of some or all of the
14 following revenue sources, which a regional transportation investment
15 district may impose or authorize upon approval of the voters as
16 provided in this chapter:

17 (a) A regional sales and use tax, as specified in RCW 82.14.430, of
18 up to ((0.5)) 0.1 percent of the selling price, in the case of a sales
19 tax, or value of the article used, in the case of a use tax, upon the
20 occurrence of any taxable event in the regional transportation
21 investment district;

22 (b) A local option vehicle license fee, as specified under RCW
23 82.80.100, of up to one hundred dollars per vehicle registered in the
24 district. As used in this subsection, "vehicle" means motor vehicle as
25 defined in RCW 46.04.320. Certain classes of vehicles, as defined
26 under chapter 46.04 RCW, may be exempted from this fee;

27 (c) A parking tax under RCW 82.80.030;

28 (d) A local motor vehicle excise tax under RCW 81.100.060 ((and
29 ~~chapter 81.104 RCW~~));

30 (e) A local option fuel tax under RCW 82.80.120;

31 (f) An employer excise tax under RCW 81.100.030; and

32 (g) Vehicle tolls on new or reconstructed ((~~facilities~~)) local or
33 regional arterials or state or federal highways within the boundaries
34 of the district, if the following conditions are met:

35 (i) Any such toll must be approved by the state transportation
36 commission or its successor statewide tolling authority;

1 (ii) The regional transportation investment plan must identify the
2 facilities that may be tolled; and

3 (iii) Unless otherwise specified by law, the department shall
4 administer the collection of vehicle tolls on designated facilities,
5 and the state transportation commission, or its successor, shall be the
6 tolling authority.

7 (2) Taxes, fees, and tolls may not be imposed or authorized without
8 an affirmative vote of the majority of the voters within the boundaries
9 of the district voting on a ballot proposition as set forth in RCW
10 36.120.070. Revenues from these taxes and fees may be used only to
11 implement the plan as set forth in this chapter. A district may
12 contract with the state department of revenue or other appropriate
13 entities for administration and collection of any of the taxes or fees
14 authorized in this section.

15 (3) Existing statewide motor vehicle fuel and special fuel taxes,
16 at the distribution rates in effect on January 1, 2001, are not
17 intended to be altered by this chapter.

18 **Sec. 14.** RCW 81.100.080 and 1990 c 43 s 19 are each amended to
19 read as follows:

20 (1) Funds collected under RCW 81.100.030 or 81.100.060 and any
21 investment earnings accruing thereon shall be used by the county or the
22 regional transportation investment district in a manner consistent with
23 the regional transportation plan only for costs of collection, costs of
24 preparing, adopting, and enforcing agreements under RCW 81.100.030(3),
25 for construction of high occupancy vehicle lanes and related
26 facilities, mitigation of environmental concerns that result from
27 construction or use of high occupancy vehicle lanes and related
28 facilities, payment of principal and interest on bonds issued for the
29 purposes of this section, for high occupancy vehicle programs as
30 defined in RCW 81.100.020(5), (~~and~~) or for commuter rail projects in
31 accordance with RCW 81.104.120. Except for funds raised by an
32 investment district, no funds collected under RCW 81.100.030 or
33 81.100.060 after June 30, 2000, may be pledged for the payment or
34 security of the principal or interest on any bonds issued for the
35 purposes of this section. Not more than ten percent of the funds may
36 be used for transit agency high occupancy vehicle programs.

1 (2) Notwithstanding the limitations in this chapter, a regional
2 transportation investment district may use funds collected under RCW
3 81.100.030 or 81.100.060 and any investment earnings accruing thereon
4 for projects contained in a plan developed under chapter 36.120 RCW.
5 These expenditures shall not be limited to high occupancy vehicle
6 systems.

7 (3) Priorities for construction of high occupancy vehicle lanes and
8 related facilities shall be as follows:

9 ~~((1))~~(a)(i) To accelerate construction of high occupancy vehicle
10 lanes on the interstate highway system, as well as related facilities;

11 ~~((b))~~ (ii) To finance or accelerate construction of high
12 occupancy vehicle lanes on the noninterstate state highway system, as
13 well as related facilities.

14 ~~((2))~~ (b) To finance construction of high occupancy vehicle lanes
15 on local arterials, as well as related facilities.

16 (4) Moneys received by ~~((an agency))~~ a county under this chapter
17 shall be used in addition to, and not as a substitute for, moneys
18 currently used by the ~~((agency))~~ county for the purposes specified in
19 this section.

20 (5) Counties and investment districts may contract with cities or
21 the state department of transportation for construction of high
22 occupancy vehicle lanes and related facilities, and may issue general
23 obligation bonds to fund such construction and use funds received under
24 this chapter to pay the principal and interest on such bonds.

25 **Sec. 15.** RCW 81.100.060 and 2002 c 56 s 411 are each amended to
26 read as follows:

27 A county with a population of one million or more and a county with
28 a population of from two hundred ten thousand to less than one million
29 that is adjoining a county with a population of one million or more,
30 having within their boundaries existing or planned high-occupancy
31 vehicle lanes on the state highway system, or a regional transportation
32 investment district ~~((for capital improvements))~~, but only to the
33 extent that the surcharge has not already been imposed by the county,
34 may, with voter approval, impose a local surcharge of not more than
35 three-tenths of one percent in the case of a county, or eight-tenths of
36 one percent in the case of a regional transportation investment
37 district, of the value on vehicles registered to a person residing

1 within the county or investment district and not more than 13.64
2 percent on the state sales and use taxes paid under the rate in RCW
3 82.08.020(2) on retail car rentals within the county or investment
4 district. A county may impose the surcharge only to the extent that it
5 has not been imposed by the district. No surcharge may be imposed on
6 vehicles licensed under RCW 46.16.070 except vehicles with an unladen
7 weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or
8 46.16.090.

9 Counties or investment districts imposing a (~~tax~~) surcharge under
10 this section shall contract, before the effective date of the
11 resolution or ordinance imposing a surcharge, administration and
12 collection to the state department of licensing, and department of
13 revenue, as appropriate, which shall deduct (~~an~~) a percentage amount,
14 as provided by contract, not to exceed two percent of the taxes, for
15 administration and collection expenses incurred by the department. All
16 administrative provisions in chapters 82.03, 82.32, and 82.44 RCW
17 shall, insofar as they are applicable to motor vehicle excise taxes, be
18 applicable to surcharges imposed under this section. All
19 administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32
20 RCW shall, insofar as they are applicable to state sales and use taxes,
21 be applicable to surcharges imposed under this section. A surcharge
22 imposed under this section, or a change to the surcharge, shall take
23 effect no sooner than seventy-five days after the department of
24 licensing or the department of revenue receives notice of the surcharge
25 or change to the surcharge, and shall take effect only on the first day
26 of January, April, July, or October. Unless waived by the department
27 of licensing or the department of revenue, notice includes providing
28 the appropriate department with digital mapping and legal descriptions
29 of areas in which the tax will be collected.

30 If the tax authorized in RCW 81.100.030 is also imposed, the total
31 proceeds from tax sources imposed under this section and RCW 81.100.030
32 each year shall not exceed the maximum amount which could be collected
33 under this section.

34 **Sec. 16.** RCW 82.14.0455 and 2005 c 336 s 15 are each amended to
35 read as follows:

36 (1) Subject to the provisions in RCW 36.73.065, a transportation
37 benefit district under chapter 36.73 RCW may fix and impose a sales and

1 use tax in accordance with the terms of this chapter. The tax
2 authorized in this section is in addition to any other taxes authorized
3 by law and shall be collected from those persons who are taxable by the
4 state under chapters 82.08 and 82.12 RCW upon the occurrence of any
5 taxable event within the boundaries of the district. The rate of tax
6 shall not exceed two-tenths of one percent of the selling price in the
7 case of a sales tax, or value of the article used, in the case of a use
8 tax. The tax may not be imposed for a period exceeding ten years.
9 This tax may be extended for a period not exceeding ten years with an
10 affirmative vote of the voters voting at the election.

11 (2) Money received from the tax imposed under this section must be
12 spent in accordance with the requirements of chapter 36.73 RCW.

13 ~~((3) A district may only levy the tax under this section if the
14 district is comprised of boundaries coextensive with the boundaries of
15 a county, counties, city or cities, a county transportation authority
16 or authorities, a public transportation benefit area or areas, or any
17 combination of these jurisdictions.))~~

18 **Sec. 17.** RCW 82.14.430 and 2002 c 56 s 405 are each amended to
19 read as follows:

20 (1) If approved by the majority of the voters within its boundaries
21 voting on the ballot proposition, a regional transportation investment
22 district may impose a sales and use tax of up to ~~((0.5))~~ 0.1 percent of
23 the selling price or value of the article used in the case of a use
24 tax. The tax authorized by this section is in addition to the tax
25 authorized by RCW 82.14.030 and must be collected from those persons
26 who are taxable by the state under chapters 82.08 and 82.12 RCW upon
27 the occurrence of any taxable event within the taxing district. Motor
28 vehicles are exempt from the sales and use tax imposed under this
29 subsection.

30 (2) If approved by the majority of the voters within its boundaries
31 voting on the ballot proposition, a regional transportation investment
32 district may impose a tax on the use of a motor vehicle within a
33 regional transportation investment district. The tax applies to those
34 persons who reside within the regional transportation investment
35 district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of
36 the value of the motor vehicle. The tax authorized by this subsection
37 is in addition to the tax authorized under RCW 82.14.030 and must be

1 imposed and collected at the time a taxable event under RCW
2 82.08.020(1) or 82.12.020 takes place. All revenue received under this
3 subsection must be deposited in the local sales and use tax account and
4 distributed to the regional transportation investment district
5 according to RCW 82.14.050. The following provisions apply to the use
6 tax in this subsection:

7 (a) Where persons are taxable under chapter 82.08 RCW, the seller
8 shall collect the use tax from the buyer using the collection
9 provisions of RCW 82.08.050.

10 (b) Where persons are taxable under chapter 82.12 RCW, the use tax
11 must be collected using the provisions of RCW 82.12.045.

12 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but
13 does not include farm tractors or farm vehicles as defined in RCW
14 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in
15 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

16 (d) "Person" has the meaning given in RCW 82.04.030.

17 (e) The value of a motor vehicle must be determined under RCW
18 82.12.010.

19 (f) Except as specifically stated in this subsection (2), chapters
20 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax
21 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW
22 applies fully to the use tax.

23 (3) In addition to fulfilling the notice requirements under RCW
24 82.14.055(1), and unless waived by the department, a regional
25 transportation investment district shall provide the department of
26 revenue with digital mapping and legal descriptions of areas in which
27 the tax will be collected.

28 **Sec. 18.** RCW 82.80.120 and 2003 c 350 s 3 are each amended to read
29 as follows:

30 (1) For purposes of this section:

31 (a) "Distributor" means every person who imports, refines,
32 manufactures, produces, or compounds motor vehicle fuel and special
33 fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells
34 or distributes the fuel into a county;

35 (b) "Person" has the same meaning as in RCW 82.04.030;

36 (c) "District" means a regional transportation investment district
37 under chapter 36.120 RCW.

1 (2) A regional transportation investment district under chapter
2 36.120 RCW, subject to the conditions of this section, may levy
3 additional excise taxes equal to ten percent of the statewide motor
4 vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor
5 vehicle fuel as defined in RCW 82.36.010 and on each gallon of special
6 fuel as defined in RCW 82.38.020 sold within the boundaries of the
7 district. The additional excise tax is subject to the approval of a
8 majority of the voters within the district boundaries. Vehicles paying
9 an annual license fee under RCW 82.38.075 are exempt from the
10 district's fuel excise tax. The additional excise taxes are subject to
11 the same exceptions and rights of refund as applicable to other motor
12 vehicle fuel and special fuel excise taxes levied under chapters 82.36
13 and 82.38 RCW. The proposed tax may not be levied less than one month
14 from the date the election results are certified. The commencement
15 date for the levy of any tax under this section will be the first day
16 of January, April, July, or October.

17 (3) The local option motor vehicle fuel tax on each gallon of motor
18 vehicle fuel and on each gallon of special fuel is imposed upon the
19 distributor of the fuel.

20 (4) A taxable event for the purposes of this section occurs upon
21 the first distribution of the fuel within the boundaries of the
22 district to a retail outlet, bulk fuel user, or ultimate user of the
23 fuel.

24 (5) All administrative provisions in chapters 82.01, 82.03, and
25 82.32 RCW, insofar as they are applicable, apply to local option fuel
26 taxes imposed under this section.

27 (6) Before the effective date of the imposition of the fuel taxes
28 under this section, a district shall contract with the department of
29 ((revenue)) licensing for the administration and collection of the
30 taxes. The contract must provide that a percentage amount, not to
31 exceed one percent of the taxes imposed under this section, will be
32 deposited into the local tax administration account created in the
33 custody of the state treasurer. The department of ((revenue))
34 licensing may spend money from this account, upon appropriation, for
35 the administration of the local taxes imposed under this section.

36 (7) The state treasurer shall distribute monthly to the district
37 levying the tax as part of the regional transportation investment

1 district plan, after the deductions for payments and expenditures as
2 provided in RCW 46.68.090(1) (a) and (b).

3 (8) The proceeds of the additional taxes levied by a district in
4 this section, to be used as a part of a regional transportation
5 investment district plan, must be used in accordance with chapter
6 36.120 RCW, but only for those areas that are considered "highway
7 purposes" as that term is construed in Article II, section 40 of the
8 state Constitution.

9 (9) A district may only levy the tax under this section if the
10 district is comprised of boundaries identical to the boundaries of a
11 county or counties. A district may not levy the tax in this section if
12 a member county is levying the tax in RCW 82.80.010 or 82.80.110.

13 **Sec. 19.** RCW 47.56.076 and 2005 c 335 s 3 are each amended to read
14 as follows:

15 Upon approval of a majority of the voters within its boundaries
16 voting on the ballot proposition, and ~~((only for the purposes~~
17 ~~authorized in RCW 36.120.050(1)(g))~~) with the approval of the state
18 transportation commission or its successor statewide tolling authority,
19 a regional transportation investment district may authorize vehicle
20 tolls on a local or regional arterial or a state ~~((routes where~~
21 ~~improvements financed in whole or in part by a regional transportation~~
22 ~~investment district add additional lanes to, or reconstruct lanes on,~~
23 ~~a highway of statewide significance))~~ or federal highway within the
24 boundaries of the district. The department shall administer the
25 collection of vehicle tolls authorized on designated facilities unless
26 otherwise specified in law or by contract, and the ~~((state~~
27 ~~transportation))~~ commission~~((r))~~ or its successor~~((r))~~ statewide
28 tolling authority shall ~~((be the tolling authority))~~ set and impose the
29 tolls in amounts sufficient to implement the regional transportation
30 investment plan under RCW 36.120.020.

31 NEW SECTION. **Sec. 20.** A new section is added to chapter 47.56 RCW
32 to read as follows:

33 Notwithstanding any provision to the contrary in this chapter, a
34 regional transportation investment district may authorize vehicle tolls
35 on either Lake Washington bridge within its boundaries to implement a

1 regional transportation investment plan as authorized in chapter 36.120
2 RCW and RCW 47.56.076.

3 **Sec. 21.** RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005
4 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as
5 follows:

6 (1) Money in the treasurer's trust fund may be deposited, invested,
7 and reinvested by the state treasurer in accordance with RCW 43.84.080
8 in the same manner and to the same extent as if the money were in the
9 state treasury.

10 (2) All income received from investment of the treasurer's trust
11 fund shall be set aside in an account in the treasury trust fund to be
12 known as the investment income account.

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

21 (4)(a) Monthly, the state treasurer shall distribute the earnings
22 credited to the investment income account to the state general fund
23 except under (b) and (c) of this subsection.

24 (b) The following accounts and funds shall receive their
25 proportionate share of earnings based upon each account's or fund's
26 average daily balance for the period: The Washington promise
27 scholarship account, the college savings program account, the
28 Washington advanced college tuition payment program account, the
29 agricultural local fund, the American Indian scholarship endowment
30 fund, the foster care scholarship endowment fund, the foster care
31 endowed scholarship trust fund, the students with dependents grant
32 account, the basic health plan self-insurance reserve account, the
33 contract harvesting revolving account, the Washington state combined
34 fund drive account, the commemorative works account, the Washington
35 international exchange scholarship endowment fund, the developmental
36 disabilities endowment trust fund, the energy account, the fair fund,
37 the fruit and vegetable inspection account, the future teachers

1 conditional scholarship account, the game farm alternative account, the
2 grain inspection revolving fund, the juvenile accountability incentive
3 account, the law enforcement officers' and fire fighters' plan 2
4 expense fund, the local tourism promotion account, the produce railcar
5 pool account, the regional transportation investment district account,
6 the rural rehabilitation account, the stadium and exhibition center
7 account, the youth athletic facility account, the self-insurance
8 revolving fund, the sulfur dioxide abatement account, the children's
9 trust fund, the Washington horse racing commission Washington bred
10 owners' bonus fund account, the Washington horse racing commission
11 class C purse fund account, the individual development account program
12 account, the Washington horse racing commission operating account
13 (earnings from the Washington horse racing commission operating account
14 must be credited to the Washington horse racing commission class C
15 purse fund account), and the life sciences discovery fund. However,
16 the earnings to be distributed shall first be reduced by the allocation
17 to the state treasurer's service fund pursuant to RCW 43.08.190.

18 (c) The following accounts and funds shall receive eighty percent
19 of their proportionate share of earnings based upon each account's or
20 fund's average daily balance for the period: The advanced right of way
21 revolving fund, the advanced environmental mitigation revolving
22 account, the city and county advance right-of-way revolving fund, the
23 federal narcotics asset forfeitures account, the high occupancy vehicle
24 account, the local rail service assistance account, and the
25 miscellaneous transportation programs account.

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

29 **Sec. 22.** RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005
30 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are
31 each reenacted and amended to read as follows:

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

35 (2) The treasury income account shall be utilized to pay or receive
36 funds associated with federal programs as required by the federal cash
37 management improvement act of 1990. The treasury income account is

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

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

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

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

1 repayment account, the Eastern Washington University capital projects
2 account, the education construction fund, the education legacy trust
3 account, the election account, the emergency reserve fund, The
4 Evergreen State College capital projects account, the federal forest
5 revolving account, the freight mobility investment account, the health
6 services account, the public health services account, the health system
7 capacity account, the personal health services account, the state
8 higher education construction account, the higher education
9 construction account, the highway infrastructure account, the high-
10 occupancy toll lanes operations account, the industrial insurance
11 premium refund account, the judges' retirement account, the judicial
12 retirement administrative account, the judicial retirement principal
13 account, the local leasehold excise tax account, the local real estate
14 excise tax account, the local sales and use tax account, the medical
15 aid account, the mobile home park relocation fund, the multimodal
16 transportation account, the municipal criminal justice assistance
17 account, the municipal sales and use tax equalization account, the
18 natural resources deposit account, the oyster reserve land account, the
19 perpetual surveillance and maintenance account, the public employees'
20 retirement system plan 1 account, the public employees' retirement
21 system combined plan 2 and plan 3 account, the public facilities
22 construction loan revolving account beginning July 1, 2004, the public
23 health supplemental account, the Puyallup tribal settlement account,
24 the real estate appraiser commission account, (~~the regional~~
25 ~~transportation investment district account,~~) the resource management
26 cost account, the rural Washington loan fund, the site closure account,
27 the small city pavement and sidewalk account, the special wildlife
28 account, the state employees' insurance account, the state employees'
29 insurance reserve account, the state investment board expense account,
30 the state investment board commingled trust fund accounts, the
31 supplemental pension account, the Tacoma Narrows toll bridge account,
32 the teachers' retirement system plan 1 account, the teachers'
33 retirement system combined plan 2 and plan 3 account, the tobacco
34 prevention and control account, the tobacco settlement account, the
35 transportation infrastructure account, the transportation partnership
36 account, the tuition recovery trust fund, the University of Washington
37 bond retirement fund, the University of Washington building account,
38 the volunteer fire fighters' and reserve officers' relief and pension

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

19 (b) The following accounts and funds shall receive eighty percent
20 of their proportionate share of earnings based upon each account's or
21 fund's average daily balance for the period: The aeronautics account,
22 the aircraft search and rescue account, the county arterial
23 preservation account, the department of licensing services account, the
24 essential rail assistance account, the ferry bond retirement fund, the
25 grade crossing protective fund, the high capacity transportation
26 account, the highway bond retirement fund, the highway safety account,
27 the motor vehicle fund, the motorcycle safety education account, the
28 pilotage account, the public transportation systems account, the Puget
29 Sound capital construction account, the Puget Sound ferry operations
30 account, the recreational vehicle account, the rural arterial trust
31 account, the safety and education account, the special category C
32 account, the state patrol highway account, the transportation 2003
33 account (nickel account), the transportation equipment fund, the
34 transportation fund, the transportation improvement account, the
35 transportation improvement board bond retirement account, and the urban
36 arterial trust account.

37 (5) In conformance with Article II, section 37 of the state

1 Constitution, no treasury accounts or funds shall be allocated earnings
2 without the specific affirmative directive of this section.

3 **Sec. 23.** RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005
4 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are
5 each reenacted and amended to read as follows:

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

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

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

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

36 (a) The following accounts and funds shall receive their
37 proportionate share of earnings based upon each account's and fund's

1 average daily balance for the period: The capitol building
2 construction account, the Cedar River channel construction and
3 operation account, the Central Washington University capital projects
4 account, the charitable, educational, penal and reformatory
5 institutions account, the common school construction fund, the county
6 criminal justice assistance account, the county sales and use tax
7 equalization account, the data processing building construction
8 account, the deferred compensation administrative account, the deferred
9 compensation principal account, the department of retirement systems
10 expense account, the developmental disabilities community trust
11 account, the drinking water assistance account, the drinking water
12 assistance administrative account, the drinking water assistance
13 repayment account, the Eastern Washington University capital projects
14 account, the education construction fund, the education legacy trust
15 account, the election account, the emergency reserve fund, The
16 Evergreen State College capital projects account, the federal forest
17 revolving account, the freight mobility investment account, the health
18 services account, the public health services account, the health system
19 capacity account, the personal health services account, the state
20 higher education construction account, the higher education
21 construction account, the highway infrastructure account, the high-
22 occupancy toll lanes operations account, the industrial insurance
23 premium refund account, the judges' retirement account, the judicial
24 retirement administrative account, the judicial retirement principal
25 account, the local leasehold excise tax account, the local real estate
26 excise tax account, the local sales and use tax account, the medical
27 aid account, the mobile home park relocation fund, the multimodal
28 transportation account, the municipal criminal justice assistance
29 account, the municipal sales and use tax equalization account, the
30 natural resources deposit account, the oyster reserve land account, the
31 perpetual surveillance and maintenance account, the public employees'
32 retirement system plan 1 account, the public employees' retirement
33 system combined plan 2 and plan 3 account, the public facilities
34 construction loan revolving account beginning July 1, 2004, the public
35 health supplemental account, the public works assistance account, the
36 Puyallup tribal settlement account, the real estate appraiser
37 commission account, (~~the regional transportation investment district~~
38 ~~account,~~) the resource management cost account, the rural Washington

1 loan fund, the site closure account, the small city pavement and
2 sidewalk account, the special wildlife account, the state employees'
3 insurance account, the state employees' insurance reserve account, the
4 state investment board expense account, the state investment board
5 commingled trust fund accounts, the supplemental pension account, the
6 Tacoma Narrows toll bridge account, the teachers' retirement system
7 plan 1 account, the teachers' retirement system combined plan 2 and
8 plan 3 account, the tobacco prevention and control account, the tobacco
9 settlement account, the transportation infrastructure account, the
10 transportation partnership account, the tuition recovery trust fund,
11 the University of Washington bond retirement fund, the University of
12 Washington building account, the volunteer fire fighters' and reserve
13 officers' relief and pension principal fund, the volunteer fire
14 fighters' and reserve officers' administrative fund, the Washington
15 fruit express account, the Washington judicial retirement system
16 account, the Washington law enforcement officers' and fire fighters'
17 system plan 1 retirement account, the Washington law enforcement
18 officers' and fire fighters' system plan 2 retirement account, the
19 Washington public safety employees' plan 2 retirement account, the
20 Washington school employees' retirement system combined plan 2 and 3
21 account, the Washington state health insurance pool account, the
22 Washington state patrol retirement account, the Washington State
23 University building account, the Washington State University bond
24 retirement fund, the water pollution control revolving fund, and the
25 Western Washington University capital projects account. Earnings
26 derived from investing balances of the agricultural permanent fund, the
27 normal school permanent fund, the permanent common school fund, the
28 scientific permanent fund, and the state university permanent fund
29 shall be allocated to their respective beneficiary accounts. All
30 earnings to be distributed under this subsection (4)(a) shall first be
31 reduced by the allocation to the state treasurer's service fund
32 pursuant to RCW 43.08.190.

33 (b) The following accounts and funds shall receive eighty percent
34 of their proportionate share of earnings based upon each account's or
35 fund's average daily balance for the period: The aeronautics account,
36 the aircraft search and rescue account, the county arterial
37 preservation account, the department of licensing services account, the
38 essential rail assistance account, the ferry bond retirement fund, the

1 grade crossing protective fund, the high capacity transportation
2 account, the highway bond retirement fund, the highway safety account,
3 the motor vehicle fund, the motorcycle safety education account, the
4 pilotage account, the public transportation systems account, the Puget
5 Sound capital construction account, the Puget Sound ferry operations
6 account, the recreational vehicle account, the rural arterial trust
7 account, the safety and education account, the special category C
8 account, the state patrol highway account, the transportation 2003
9 account (nickel account), the transportation equipment fund, the
10 transportation fund, the transportation improvement account, the
11 transportation improvement board bond retirement account, and the urban
12 arterial trust account.

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

16 **Sec. 24.** RCW 36.73.015 and 2005 c 336 s 1 are each amended to read
17 as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "District" means a transportation benefit district created
21 under this chapter.

22 (2) "City" means a city or town.

23 (3) "Transportation improvement" means a project contained in the
24 transportation plan of the state or a regional transportation planning
25 organization (~~((that is of statewide or regional significance))~~). A
26 project may include investment in new or existing highways of statewide
27 significance, principal arterials of regional significance, high-
28 capacity transportation, public transportation, and other
29 transportation projects and programs of regional or statewide
30 significance including transportation demand management. Projects may
31 also include the operation, preservation, and maintenance of these
32 facilities or programs. (~~((Not more than forty percent of the revenues
33 generated by a district may be expended on city streets, county roads,
34 existing highways other than highways of statewide significance, and
35 the creation of a new highway that intersects with a highway of
36 statewide significance.))~~)

1 **Sec. 25.** RCW 36.73.020 and 2005 c 336 s 3 are each amended to read
2 as follows:

3 (1) The legislative authority of a county or city may establish a
4 transportation benefit district within the county or city area or
5 within the area specified in subsection (2) of this section, for the
6 purpose of acquiring, constructing, improving, providing, and funding
7 a transportation improvement within the district that is consistent
8 with any existing state, regional, and local transportation plans and
9 necessitated by existing or reasonably foreseeable congestion levels.
10 The transportation improvements shall be owned by the county of
11 jurisdiction if located in an unincorporated area, by the city of
12 jurisdiction if located in an incorporated area, or by the state in
13 cases where the transportation improvement is or becomes a state
14 highway. However, if deemed appropriate by the governing body of the
15 transportation benefit district, a transportation improvement may be
16 owned by a participating port district or transit district, unless
17 otherwise prohibited by law. Transportation improvements shall be
18 administered and maintained as other public streets, roads, highways,
19 and transportation improvements. To the extent practicable, the
20 district shall consider the following criteria when selecting
21 transportation improvements:

- 22 (a) Reduced risk of transportation facility failure and improved
23 safety;
- 24 (b) Improved travel time;
- 25 (c) Improved air quality;
- 26 (d) Increases in daily and peak period trip capacity;
- 27 (e) Improved modal connectivity;
- 28 (f) Improved freight mobility;
- 29 (g) Cost-effectiveness of the investment;
- 30 (h) Optimal performance of the system through time; and
- 31 (i) Other criteria, as adopted by the governing body.

32 (2) Subject to subsection (6) of this section, the district may
33 include area within more than one county, city, port district, county
34 transportation authority, or public transportation benefit area, if the
35 legislative authority of each participating jurisdiction has agreed to
36 the inclusion as provided in an interlocal agreement adopted pursuant
37 to chapter 39.34 RCW. However, the boundaries of the district

1 ((shall)) need not include all territory within the boundaries of the
2 participating jurisdictions comprising the district.

3 (3) The members of the legislative authority proposing to establish
4 the district, acting ex officio and independently, shall constitute the
5 governing body of the district: PROVIDED, That where a district
6 includes area within more than one jurisdiction under subsection (2) of
7 this section, the district shall be governed under an interlocal
8 agreement adopted pursuant to chapter 39.34 RCW. However, the
9 governing body shall be composed of at least five members including at
10 least one elected official from the legislative authority of each
11 participating jurisdiction.

12 (4) The treasurer of the jurisdiction proposing to establish the
13 district shall act as the ex officio treasurer of the district, unless
14 an interlocal agreement states otherwise.

15 (5) The electors of the district shall all be registered voters
16 residing within the district.

17 (6) Prior to December 1, 2007, the authority under this section,
18 regarding the establishment of or the participation in a district,
19 shall not apply to:

20 (a) Counties with a population greater than one million five
21 hundred thousand persons and any adjoining counties with a population
22 greater than five hundred thousand persons;

23 (b) Cities with any area within the counties under (a) of this
24 subsection; and

25 (c) Other jurisdictions with any area within the counties under (a)
26 of this subsection.

27 NEW SECTION. Sec. 26. A new section is added to chapter 47.01 RCW
28 to read as follows:

29 The department shall not commence construction on any part of the
30 state route number 520 bridge replacement and HOV project until a
31 record of decision has been reached providing reasonable assurance that
32 project impacts will be avoided, minimized, or mitigated as much as
33 practicable to protect against further adverse impacts on neighborhood
34 environmental quality as a result of repairs and improvements made to
35 the state route number 520 bridge and its connecting roadways, and that
36 any such impacts will be addressed through engineering design choices,
37 mitigation measures, or a combination of both. The requirements of

1 this section shall not apply to off-site pontoon construction
2 supporting the state route number 520 bridge replacement and HOV
3 project.

4 NEW SECTION. **Sec. 27.** A new section is added to chapter 47.01 RCW
5 to read as follows:

6 (1) Prior to commencing construction on either project, the
7 department of transportation must complete all of the following
8 requirements for both the Alaskan Way viaduct and Seattle Seawall
9 replacement project, and the state route number 520 bridge replacement
10 and HOV project: (a) In accordance with the national environmental
11 policy act, the department must designate the preferred alternative,
12 prepare a substantial project mitigation plan, and complete a
13 comprehensive cost estimate review using the department's cost estimate
14 validation process, for each project; (b) in accordance with all
15 applicable federal highway administration planning and project
16 management requirements, the department must prepare a project finance
17 plan for each project that clearly identifies secured and anticipated
18 fund sources, cash flow timing requirements, and project staging and
19 phasing plans if applicable; and (c) the department must report these
20 results for each project to the joint transportation committee.

21 (2) The requirements of this section shall not apply to (a) utility
22 relocation work, and related activities, on the Alaskan Way viaduct and
23 Seattle Seawall replacement project and (b) off-site pontoon
24 construction supporting the state route number 520 bridge replacement
25 and HOV project.

26 NEW SECTION. **Sec. 28.** A new section is added to chapter 47.01 RCW
27 to read as follows:

28 The legislature recognizes that the finance and project
29 implementation planning processes required for the Alaskan Way viaduct
30 and Seattle Seawall replacement project and the state route number 520
31 bridge replacement and HOV project cannot guarantee appropriate
32 decisions unless key study assumptions are reasonable with respect to
33 each project.

34 To assure appropriate finance plan and project implementation plan
35 assumptions, an expert review panel shall be appointed to provide

1 independent financial and technical review for development of a finance
2 plan and project implementation plan for the projects described in this
3 section.

4 (1) The expert review panel shall consist of five to ten members
5 who are recognized experts in relevant fields, such as planning,
6 engineering, finance, law, the environment, emerging transportation
7 technologies, geography, and economics.

8 (2) The expert review panel shall be selected cooperatively by the
9 chairs of the senate and house transportation committees, the secretary
10 of the department of transportation, and the governor to assure a
11 balance of disciplines.

12 (3) The chair of the expert review panel shall be designated by the
13 governor.

14 (4) The expert review panel shall, with respect to completion of
15 the project alternatives as described in the draft environmental impact
16 statement of each project:

17 (a) Review the finance plan for the project to ensure that it
18 clearly identifies secured and anticipated funding sources and is
19 feasible and sufficient;

20 (b) Review the project implementation plan covering all state and
21 local permitting and mitigation approvals that ensure the most
22 expeditious and cost-effective delivery of the project; and

23 (c) Report its findings and recommendations on the items described
24 in (a) and (b) of this subsection to the joint transportation
25 committee, the office of financial management, and the governor by
26 September 1, 2006.

27 (5) Upon receipt of the expert review panel's findings and
28 recommendations under subsection (4)(c) of this section, the governor
29 must make a finding of whether each finance plan is feasible and
30 sufficient to complete the project as described in the draft
31 environmental impact statement.

32 (6) Nothing in this section shall be interpreted to delay
33 construction of any of the projects referenced in this section.

34 NEW SECTION. **Sec. 29.** A new section is added to chapter 36.120
35 RCW to read as follows:

36 The most populous city, within the three-county region eligible to
37 create a regional transportation investment district under this

1 chapter, shall submit an advisory ballot to the city voters at the 2006
2 general election regarding voter preference of the tunnel and rebuild
3 alternatives described in the environmental impact statement relative
4 to the Alaskan Way viaduct project. The results of the election shall
5 be advisory only and not binding regarding the final project to be
6 constructed.

7 NEW SECTION. **Sec. 30.** Section 22 of this act expires July 1,
8 2006.

9 NEW SECTION. **Sec. 31.** Section 23 of this act takes effect July 1,
10 2006."

ESHB 2871 - S AMD
By Senator Haugen

ADOPTED 03/07/2006

11 On page 1, line 1 of the title, after "governance;" strike the
12 remainder of the title and insert "amending RCW 36.120.020, 36.120.030,
13 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030,
14 36.120.050, 81.100.080, 81.100.060, 82.14.0455, 82.14.430, 82.80.120,
15 47.56.076, 36.73.015, and 36.73.020; reenacting and amending RCW
16 43.79A.040, 43.84.092, and 43.84.092; adding a new section to chapter
17 36.120 RCW; adding a new section to chapter 47.56 RCW; adding new
18 sections to chapter 47.01 RCW; creating new sections; providing an
19 effective date; and providing an expiration date."

--- END ---