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**SUBSTITUTE HOUSE BILL 2112**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Eickmeyer and Edwards)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to alternative public works contracting procedures;  
2 amending RCW 39.10.020, 39.10.051, 39.10.061, 39.10.067, and 39.10.902;  
3 adding new sections to chapter 39.10 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The joint legislative audit and review  
6 committee shall conduct a study of public works projects built after  
7 June 9, 1994, under the general contractor/construction manager  
8 procedure authorized by chapter 39.10 RCW. The joint legislative audit  
9 and review committee shall provide an interim report to the appropriate  
10 standing committees of the legislature by December 31, 2003, and a  
11 final report, including any findings and recommendations, by December  
12 31, 2004. The study must include:

13 (a) An analysis of the costs and benefits of using general  
14 contractor/construction manager procedures as opposed to other public  
15 works contracting procedures, including the fiscal impacts. In  
16 conducting this analysis, the committee may consider developing a  
17 sample of public works projects built using these procedures;

18 (b) An examination of the jurisdictions that used the general

1 contractor/construction manager procedure for a public works project;  
2 and

3 (c) An examination of the number, size, and cost of public works  
4 projects built using the general contractor/construction manager  
5 procedure.

6 (2) Public bodies using the general contractor/construction manager  
7 procedure, or other public works contracting procedures, shall provide  
8 any requested information concerning the selection, design,  
9 contracting, implementation, management, costs, performance, and  
10 outcomes of projects to the joint legislative audit and review  
11 committee in a timely manner, including relevant proprietary  
12 information that may be associated with individual firms. However, any  
13 proprietary information provided to the committee for this study shall  
14 be deemed confidential and is not subject to public disclosure.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.10 RCW  
16 to read as follows:

17 (1) An independent oversight committee is established to review the  
18 practices and use of the general contractor/construction manager  
19 procedures authorized by this chapter for the contracting of public  
20 works projects. The committee shall consider the reports on general  
21 contractor/construction manager procedures to be issued by the joint  
22 legislative audit and review committee under section 1 of this act.  
23 The committee shall examine the use of general contractor/construction  
24 manager procedures in public works projects built after June 9, 1994,  
25 and consider recommendations for changes to the procedures.

26 (2) The committee is composed of: Two members of the house of  
27 representatives, one from each major caucus, appointed by the speaker  
28 of the house of representatives; two members of the senate, one from  
29 each major caucus, appointed by the president of the senate; a  
30 representative from each of the contracting, subcontracting, and design  
31 industries, appointed by the governor; a representative from an  
32 appropriate labor organization, appointed by the governor; a  
33 representative from a public body authorized to use the alternative  
34 public works contracting procedures under this chapter, appointed by  
35 the governor; a representative from a school district that has used the  
36 general contractor/construction manager contracting procedure to build  
37 a public works project as authorized under RCW 39.10.067, appointed by

1 the governor; and a representative from the office of financial  
2 management, appointed by the governor. The governor shall consider the  
3 recommendations of the established organizations representing the  
4 contracting, subcontracting, and design industries and organized labor  
5 in making the industry and labor appointments to the committee.

6 (3) The committee shall meet quarterly or more often as the  
7 committee deems appropriate, beginning after July 1, 2003. At the  
8 first meeting of the committee, a chair or cochairs must be selected  
9 from among the committee's membership. Staff support for the committee  
10 must be provided by legislative staff.

11 (4) Public bodies utilizing the general contractor/construction  
12 manager procedure of public works contracting shall provide any  
13 requested information concerning implementation of projects under this  
14 chapter to the committee in a timely manner, excepting any trade  
15 secrets or proprietary information.

16 (5) The committee shall report to the appropriate standing  
17 committees of the legislature by December 10th of every year concerning  
18 its findings and recommendations.

19 **Sec. 3.** RCW 39.10.020 and 2001 c 328 s 1 are each amended to read  
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Alternative public works contracting procedure" means the  
24 design-build and the general contractor/construction manager  
25 contracting procedures authorized in RCW 39.10.051 and 39.10.061,  
26 respectively.

27 (2) "Public body" means the state department of general  
28 administration; the University of Washington; Washington State  
29 University; every city with a population greater than seventy thousand  
30 and any public authority chartered by such city under RCW 35.21.730  
31 through 35.21.755 and specifically authorized as provided in RCW  
32 39.10.120(4); every county with a population greater than (~~four~~) two  
33 hundred (~~fifty~~) thousand; every port district with total revenues  
34 greater than fifteen million dollars per year; every public hospital  
35 district with total revenues greater than fifteen million dollars per  
36 year utilizing the design-build procedure authorized by RCW 39.10.051  
37 and every public hospital district, regardless of total revenues,

1 proposing projects that are considered and approved by the public  
2 hospital district project review board under section 8 of this act;  
3 every public utility district with revenues from energy sales greater  
4 than twenty-three million dollars per year; and those school districts  
5 proposing projects that are considered and approved by the school  
6 district project review board under RCW 39.10.115.

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

9 **Sec. 4.** RCW 39.10.051 and 2002 c 46 s 1 are each amended to read  
10 as follows:

11 (1) Notwithstanding any other provision of law, and after complying  
12 with RCW 39.10.030, the following public bodies may utilize the design-  
13 build procedure of public works contracting for public works projects  
14 authorized under this section: The state department of general  
15 administration; the University of Washington; Washington State  
16 University; every city with a population greater than seventy thousand  
17 and any public authority chartered by such city under RCW 35.21.730  
18 through 35.21.755 and specifically authorized as provided in RCW  
19 39.10.120(4); every county with a population greater than (~~four~~) two  
20 hundred (~~fifty~~) thousand; every public utility district with revenues  
21 from energy sales greater than twenty-three million dollars per year;  
22 every public hospital district with total revenues greater than fifteen  
23 million dollars per year; and every port district with total revenues  
24 greater than fifteen million dollars per year. The authority granted  
25 to port districts in this section is in addition to and does not affect  
26 existing contracting authority under RCW 53.08.120 and 53.08.130. For  
27 the purposes of this section, "design-build procedure" means a contract  
28 between a public body and another party in which the party agrees to  
29 both design and build the facility, portion of the facility, or other  
30 item specified in the contract.

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

34 (a) The construction activities or technologies to be used are  
35 highly specialized and a design-build approach is critical in  
36 developing the construction methodology or implementing the proposed  
37 technology; or

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

3 (c) Regular interaction with and feedback from facilities users and  
4 operators during design is not critical to an effective facility  
5 design.

6 (3) Public bodies authorized under this section may also use the  
7 design-build procedure for the following projects that meet the  
8 criteria in subsection (2)(b) and (c) of this section:

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

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

13 (4) Contracts for design-build services shall be awarded through a  
14 competitive process utilizing public solicitation of proposals for  
15 design-build services. The public body shall publish at least once in  
16 a legal newspaper of general circulation published in or as near as  
17 possible to that part of the county in which the public work will be  
18 done, a notice of its request for proposals for design-build services  
19 and the availability and location of the request for proposal  
20 documents. The request for proposal documents shall include:

21 (a) A detailed description of the project including programmatic,  
22 performance, and technical requirements and specifications, functional  
23 and operational elements, minimum and maximum net and gross areas of  
24 any building, and, at the discretion of the public body, preliminary  
25 engineering and architectural drawings;

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

27 (c) A description of the qualifications to be required of the  
28 proposer including, but not limited to, submission of the proposer's  
29 accident prevention program;

30 (d) A description of the process the public body will use to  
31 evaluate qualifications and proposals, including evaluation factors and  
32 the relative weight of factors. Evaluation factors shall include, but  
33 not be limited to: Proposal price; ability of professional personnel;  
34 past performance on similar projects; ability to meet time and budget  
35 requirements; ability to provide a performance and payment bond for the  
36 project; recent, current, and projected work loads of the firm;  
37 location; and the concept of the proposal;

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

1 (f) The amount to be paid to finalists submitting best and final  
2 proposals who are not awarded a design-build contract; and

3 (g) Other information relevant to the project.

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

11 (a) Best and final proposals shall be evaluated and scored based on  
12 the factors, weighting, and process identified in the initial request  
13 for proposals. The public body may score the proposals using a system  
14 that measures the quality and technical merits of the proposal on a  
15 unit price basis. Final proposals may not be considered if the  
16 proposal cost is greater than the maximum allowable construction cost  
17 identified in the initial request for proposals. The public body shall  
18 initiate negotiations with the firm submitting the highest scored best  
19 and final proposal. If the public body is unable to execute a contract  
20 with the firm submitting the highest scored best and final proposal,  
21 negotiations with that firm may be suspended or terminated and the  
22 public body may proceed to negotiate with the next highest scored firm.  
23 Public bodies shall continue in accordance with this procedure until a  
24 contract agreement is reached or the selection process is terminated.

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

29 (6) The firm awarded the contract shall provide a performance and  
30 payment bond for the contracted amount. The public body shall provide  
31 appropriate honorarium payments to finalists submitting best and final  
32 proposals who are not awarded a design-build contract. Honorarium  
33 payments shall be sufficient to generate meaningful competition among  
34 potential proposers on design-build projects.

35 **Sec. 5.** RCW 39.10.061 and 2002 c 46 s 2 are each amended to read  
36 as follows:

37 (1) Notwithstanding any other provision of law, and after complying

1 with RCW 39.10.030, a public body may utilize the general  
2 contractor/construction manager procedure of public works contracting  
3 for public works projects authorized under subsection (2) of this  
4 section. For the purposes of this section, "general  
5 contractor/construction manager" means a firm with which a public body  
6 has selected and negotiated a maximum allowable construction cost to be  
7 guaranteed by the firm, after competitive selection through formal  
8 advertisement and competitive bids, to provide services during the  
9 design phase that may include life-cycle cost design considerations,  
10 value engineering, scheduling, cost estimating, constructability,  
11 alternative construction options for cost savings, and sequencing of  
12 work, and to act as the construction manager and general contractor  
13 during the construction phase.

14 (2) Except those school districts proposing projects that are  
15 considered and approved by the school district project review board and  
16 those public hospital districts proposing projects that are considered  
17 and approved by the public hospital district project review board,  
18 public bodies authorized under this section may utilize the general  
19 contractor/construction manager procedure for public works projects  
20 valued over ten million dollars where:

21 (a) Implementation of the project involves complex scheduling  
22 requirements; or

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

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

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

30 (4) Contracts for the services of a general contractor/construction  
31 manager under this section shall be awarded through a competitive  
32 process requiring the public solicitation of proposals for general  
33 contractor/construction manager services. The public solicitation of  
34 proposals shall include: A description of the project, including  
35 programmatic, performance, and technical requirements and  
36 specifications when available; the reasons for using the general  
37 contractor/construction manager procedure; a description of the  
38 qualifications to be required of the proposer, including submission of

1 the proposer's accident prevention program; a description of the  
2 process the public body will use to evaluate qualifications and  
3 proposals, including evaluation factors and the relative weight of  
4 factors; the form of the contract to be awarded; the estimated maximum  
5 allowable construction cost; and the bid instructions to be used by the  
6 general contractor/construction manager finalists. Evaluation factors  
7 shall include, but not be limited to: Ability of professional  
8 personnel, past performance in negotiated and complex projects, and  
9 ability to meet time and budget requirements; the scope of work the  
10 general contractor/construction manager proposes to self-perform and  
11 its ability to perform it; location; recent, current, and projected  
12 work loads of the firm; and the concept of their proposal. A public  
13 body shall establish a committee to evaluate the proposals. After the  
14 committee has selected the most qualified finalists, these finalists  
15 shall submit final proposals, including sealed bids for the percent  
16 fee, which is the percentage amount to be earned by the general  
17 contractor/construction manager as overhead and profit, on the  
18 estimated maximum allowable construction cost and the fixed amount for  
19 the detailed specified general conditions work. The public body shall  
20 select the firm submitting the highest scored final proposal using the  
21 evaluation factors and the relative weight of factors published in the  
22 public solicitation of proposals.

23 (5) The maximum allowable construction cost may be negotiated  
24 between the public body and the selected firm after the scope of the  
25 project is adequately determined to establish a guaranteed contract  
26 cost for which the general contractor/construction manager will provide  
27 a performance and payment bond. The guaranteed contract cost includes  
28 the fixed amount for the detailed specified general conditions work,  
29 the negotiated maximum allowable construction cost, the percent fee on  
30 the negotiated maximum allowable construction cost, and sales tax. If  
31 the public body is unable to negotiate a satisfactory maximum allowable  
32 construction cost with the firm selected that the public body  
33 determines to be fair, reasonable, and within the available funds,  
34 negotiations with that firm shall be formally terminated and the public  
35 body shall negotiate with the next highest scored firm and continue  
36 until an agreement is reached or the process is terminated. If the  
37 maximum allowable construction cost varies more than fifteen percent



1 from the bid estimated maximum allowable construction cost due to  
2 requested and approved changes in the scope by the public body, the  
3 percent fee shall be renegotiated.

4 (6) All subcontract work shall be competitively bid with public bid  
5 openings. When critical to the successful completion of a  
6 subcontractor bid package and after publication of notice of intent to  
7 determine bidder eligibility in a legal newspaper of general  
8 circulation published in or as near as possible to that part of the  
9 county in which the public work will be done at least twenty days  
10 before requesting qualifications from interested subcontract bidders,  
11 the owner and general contractor/construction manager may determine  
12 subcontractor bidding eligibility using the following evaluation  
13 criteria:

14 (a) Adequate financial resources or the ability to secure such  
15 resources;

16 (b) History of successful completion of a contract of similar type  
17 and scope;

18 (c) Project management and project supervision personnel with  
19 experience on similar projects and the availability of such personnel  
20 for the project;

21 (d) Current and projected workload and the impact the project will  
22 have on the subcontractor's current and projected workload;

23 (e) Ability to accurately estimate the subcontract bid package  
24 scope of work;

25 (f) Ability to meet subcontract bid package shop drawing and other  
26 coordination procedures;

27 (g) Eligibility to receive an award under applicable laws and  
28 regulations; and

29 (h) Ability to meet subcontract bid package scheduling  
30 requirements.

31 The owner and general contractor/construction manager shall weigh  
32 the evaluation criteria and determine a minimum acceptable score to be  
33 considered an eligible subcontract bidder.

34 After publication of notice of intent to determine bidder  
35 eligibility, subcontractors requesting eligibility shall be provided  
36 the evaluation criteria and weighting to be used by the owner and  
37 general contractor/construction manager to determine eligible  
38 subcontract bidders. After the owner and general

1 contractor/construction manager determine eligible subcontract bidders,  
2 subcontractors requesting eligibility shall be provided the results and  
3 scoring of the subcontract bidder eligibility determination.

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

20 (7) The general contractor/construction manager, or its  
21 subsidiaries, may bid on subcontract work if:

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

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

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

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

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

1 excepting increases due to any contract change orders approved by the  
2 public body, the additional cost shall be the responsibility of the  
3 general contractor/construction manager.

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

6 (1) In addition to the projects authorized in RCW 39.10.061, public  
7 hospital districts may also use the general contractor/construction  
8 manager contracting procedure for the construction of public hospital  
9 district capital demonstration projects, subject to the following  
10 conditions:

11 (a) The project must receive approval from the public hospital  
12 district project review board established under section 8 of this act.

13 (b) The public hospital district project review board may not  
14 authorize more than ten demonstration projects valued between five and  
15 ten million dollars.

16 (2) Public hospital districts may also use the general  
17 contractor/construction manager contracting procedure for the  
18 construction of any public hospital district capital project that has  
19 a value over ten million dollars and that has received approval from  
20 the public hospital district project review board established under  
21 section 8 of this act.

22 **Sec. 7.** RCW 39.10.067 and 2002 c 46 s 3 are each amended to read  
23 as follows:

24 In addition to the projects authorized in RCW 39.10.061, public  
25 bodies may also use the general contractor/construction manager  
26 contracting procedure for the construction of school district capital  
27 demonstration projects, subject to the following conditions:

28 (1) The project must receive approval from the school district  
29 project review board established under RCW 39.10.115.

30 (2) The school district project review board may not authorize more  
31 than (~~ten~~) twenty demonstration projects valued over five million  
32 dollars, of which (~~at least~~) no more than two demonstration projects  
33 (~~must~~) may be valued between five and ten million dollars.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 39.10 RCW  
35 to read as follows:

1 (1) The public hospital district project review board is  
2 established to review public hospital district proposals submitted by  
3 public hospital districts to use alternative public works contracting  
4 procedures. The board shall select and approve qualified projects  
5 based upon an evaluation of the information submitted by the public  
6 hospital district under subsection (2) of this section. Any  
7 appointments for full terms or to fill a vacancy shall be made by the  
8 governor and shall include the following representatives, each having  
9 experience with public works or commercial construction: One  
10 representative from the department of health; one representative from  
11 the office of financial management; two representatives from the  
12 construction industry, one of whom works for a construction company  
13 with gross annual revenues of twenty million dollars or less; one  
14 representative from the specialty contracting industry; one  
15 representative from organized labor; one representative from the design  
16 industry; one representative from a public body previously authorized  
17 under this chapter to use an alternative public works contracting  
18 procedure who has experience using such alternative contracting  
19 procedures; one representative from public hospital districts with  
20 total revenues greater than fifteen million dollars per year; and one  
21 representative from public hospital districts with total revenues equal  
22 to or less than fifteen million dollars per year. Each member shall be  
23 appointed for a term of three years, with the first three-year term  
24 commencing after July 27, 2003. Any member of the public hospital  
25 district project review board who is directly affiliated with any  
26 applicant before the board must recuse him or herself from  
27 consideration of the application.

28 (2) A public hospital district seeking to use alternative  
29 contracting procedures authorized under this chapter pursuant to  
30 section 6 of this act shall file an application with the public  
31 hospital district project review board. The application form shall  
32 require the district to submit a detailed statement of the proposed  
33 project, including the public hospital district's name; the current  
34 projected total budget for the project, including the estimated  
35 construction costs, costs for professional services, equipment and  
36 furnishing costs, off-site costs, contract administration costs, and  
37 other related project costs; the anticipated project design and  
38 construction schedule; a summary of the public hospital district's

1 construction activity for the preceding six years; and an explanation  
2 of why the public hospital district believes the use of an alternative  
3 contracting procedure is in the public interest and why the public  
4 hospital district is qualified to use an alternative contracting  
5 procedure, including a summary of the relevant experience of the public  
6 hospital district's management team. The applicant shall also provide  
7 in a timely manner any other information concerning implementation of  
8 projects under this chapter requested by the public hospital district  
9 project review board to assist in its consideration.

10 (3) Any public hospital district whose application is approved by  
11 the public hospital district project review board shall comply with the  
12 public notification and review requirements in RCW 39.10.030.

13 (4) Any public hospital district whose application is approved by  
14 the public hospital district project review board shall not use as an  
15 evaluation factor whether a contractor submitting a bid for the  
16 approved project has had prior general contractor/construction manager  
17 procedure experience.

18 **Sec. 9.** RCW 39.10.902 and 2002 c 46 s 4 are each amended to read  
19 as follows:

20 The following acts or parts of acts, as now existing or hereafter  
21 amended, are each repealed, effective July 1, 2007:

22 (1) RCW 39.10.010 and 1994 c 132 s 1;

23 (2) RCW 39.10.020 and 2003 c ... s 3 (section 3 of this act), 2001  
24 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;

25 (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

26 (4) RCW 39.10.040 and 1994 c 132 s 4;

27 (5) RCW 39.10.051 and 2003 c ... s 4 (section 4 of this act), 2002  
28 c 46 s 1, & 2001 c 328 s 2;

29 (6) RCW 39.10.061 and 2003 c ... s 5 (section 5 of this act), 2002  
30 c 46 s 2, & 2001 c 328 s 3;

31 (7) RCW 39.10.065 and 1997 c 376 s 5;

32 (8) RCW 39.10.067 and 2003 c ... s 7 (section 7 of this act), 2002  
33 c 46 s 3, & 2000 c 209 s 3;

34 (9) RCW 39.10.070 and 1994 c 132 s 7;

35 (10) RCW 39.10.080 and 1994 c 132 s 8;

36 (11) RCW 39.10.090 and 1994 c 132 s 9;

37 (12) RCW 39.10.100 and 1994 c 132 s 10;

- 1 (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;  
2 (14) RCW 39.10.900 and 1994 c 132 s 13; (~~and~~)  
3 (15) RCW 39.10.901 and 1994 c 132 s 14;  
4 (16) RCW 39.10.--- and 2003 c ... s 2 (section 2 of this act);  
5 (17) RCW 39.10.--- and 2003 c ... s 6 (section 6 of this act); and  
6 (18) RCW 39.10.--- and 2003 c ... s 8 (section 8 of this act).

--- END ---