

CHAPTER 178.

[H. B. 195.]

VETERANS—FREE MOTOR VEHICLE LICENSE.

AN ACT providing for the issuance of automobile licenses without charge to veterans of World War II who have suffered the loss of a lower extremity.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any veteran of World War II who shall submit to the Director of Licenses satisfactory proof that he has lost one or both of his lower extremities as a result of his military service in World War II, shall be entitled to have issued to him by the Director of Licenses an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon: *Provided*, Such veteran shall have obtained the automobile pursuant to the Federal laws providing for the furnishing of free cars to certain disabled veterans.

Free motor vehicle licenses issued to certain disabled veterans.

Proviso.

Passed the House March 1, 1949.

Passed the Senate March 10, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 179.

[S. B. 154.]

WASHINGTON TOLL BRIDGE AUTHORITY—OPERATION OF FERRIES AND TOLL BRIDGES.

AN ACT authorizing the Washington Toll Bridge Authority to acquire by condemnation or otherwise and to operate a system of ferries and toll bridges incidental thereto or to contract for the operation thereof, and to issue revenue bonds in connection therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The Washington Toll Bridge Authority hereinafter referred to as the Authority is hereby authorized to acquire by lease, charter, contract,

Toll bridge authority may acquire and operate ferry systems on Puget Sound.

Items included in ferry systems.

The Authority may acquire and operate toll bridges.

The Authority may contract or lease for the operation of such ferry systems.

Power of eminent domain.

Condemnation.

purchase, condemnation or construction, and partly by any or all of such means, and to thereafter operate, improve and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof and connecting with the public streets and highways in the state, such system of ferries to include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances, as shall be determined by the Authority to be necessary or desirable for efficient operation of the ferry system and best serve the public. The Authority may in like manner acquire by purchase, condemnation or construction and include in such ferry system such toll bridges, approaches and connecting roadways as may be deemed by the Authority advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition herein granted the Authority is hereby empowered to enter into any contracts, agreements or leases with any person, firm or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the Authority or not.

SEC. 2. For the purpose of carrying out any or all of the powers herein granted the Authority shall have the power of eminent domain for the acquisition of either real or personal property, used or useful for such Puget Sound ferry system. Condemnation pursuant to this act shall be the procedure set out in chapter 64, Laws of 1891, as amended (sec. 891, *et seq.*, Rem. Rev. Stat.): *Provided*, That the Authority may institute condemnation proceedings in the Superior Court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the Court in any such action shall have jurisdiction to condemn

property wherever located within the state: *And provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system, and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section the Court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The Court shall further have the power to issue such orders or process as shall be necessary to place the Authority into possession of any property condemned.

SEC. 3. Said ferry system, including any toll bridges, approaches and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the Authority may determine. Any facility which Authority acquires or is authorized to acquire under the provisions of this act may be rehabilitated, rebuilt, enlarged or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided. The Authority is empowered to rent, lease, or charter any property acquired under the terms of this act.

Financing of
ferry system.

Rent, lease,
or charter
of property.

SEC. 4. For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the Authority is hereby authorized by resolution to issue its revenue bonds

Revenue
bonds may
be issued.

Resolution

Contents of bonds.

Interest.

Bonds are negotiable.

Signatures on bonds.

Temporary bonds.

which shall constitute obligations only of the Authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the State of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the Authority shall determine, may bear interest at such rate or rates not exceeding five per cent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the Authority who is State Auditor and countersigned by the Governor and any interest coupons appertaining thereto shall bear the signature of the State Auditor: *Provided*, That the counter-signature of the Governor on such bonds and the signature of the State Auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued un-

der or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the Authority may deem proper: *Provided*, That the Authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the Authority may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the State Treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the Authority.

Sale of bonds.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance. The Authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the Authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application

Determination of amount of bonds required.

Covenants and conditions as to use of bond revenues.

Court action to compel performance on bonds.

and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system.

Investigations and surveys by Director of Highways for Authority.

For the purpose of obtaining information for the consideration of the Authority upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this act, it shall be the duty of the Director of Highways, upon request of the Authority, to make any examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the Authority.

Department of Highways shall bear expense of investigations and surveys.

The cost of any such examination, investigation, survey or reconnaissance and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance and sale of bonds under this act shall be borne by the Department of Highways out of the Motor Vehicle Fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to said Motor Vehicle Fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the Authority through its operations hereunder.

Ferry systems shall be self-liquidating.

SEC. 5. The Authority is hereby empowered to operate such ferry system and toll bridges as a revenue producing and self-liquidating undertaking. The Director of Highways shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the Authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the Authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the

Duties of Director of Highways.

Authority shall make leases for concessions and space.

concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the Authority. In the event it be ascertained that any expense to the Motor Vehicle Fund has been incurred in any manner under this act through the Authority, the Director of Highways, or otherwise, all such expenses shall be promptly reimbursed to the Motor Vehicle Fund out of tolls and revenues derived by the Authority through any or all of its operations hereunder. The schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the Authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: *Provided*, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision. Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging or improving the system. All

Term of leases and regulations for bids.

Expenses to Motor Vehicle Fund shall be reimbursed.

Charges for services of ferry systems.

Revenue bonds.

Contents of resolution.

Trust fund.

income and revenues as collected shall be paid to the State Treasurer for the account of the Authority as a separate trust fund and to be segregated and disbursed upon order of the Authority: *Provided*, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

Authority shall have exclusive right to operate ferries.

SEC. 6. In the event the Authority acquires or constructs, maintains and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the Authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the Authority. The Authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the Authority, without first acquiring the rights granted to such franchise holder under said franchise.

Exception.

Authority shall not infringe on existing ferry franchises.

Restriction on issuance of bonds by authority.

While any revenue bonds issued by the Authority under the provisions of this act are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any ferries or toll bridges within the aforesaid ten-mile distance by the Authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent

provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its departments, agencies and instrumentalities, as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the Legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

Provisions of section binding on state.

SEC. 7. In any case where the Authority shall take over any property or properties which are under lease, contract or concession, or where the Authority has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this act, the Authority is hereby authorized to continue in effect and carry out any such contract, lease or concession or complete any such negotiation or accept any such bid or any modification of any of them which shall appear advantageous to the Authority without regard to any limitations or directions as to the manner thereof contained in this act: *Provided however*, That this section shall not be construed as requiring the Authority so to act, but this section shall be permissive only and then only in respect to contracts, leases, concessions, negotiations or bids existing, entered into or received prior to the passage of this act.

Authority may carry out existing contracts, leases or concessions.

Section is permissive as to Authority.

SEC. 8. Notwithstanding any other provision of the law, bonds issued under this act shall be legal investments by the state finance committee of any state monies in its hands, except permanent school funds.

Bonds shall be legal investment.

SEC. 9. If any section, sentence, clause or phrase of this act should be held to be invalid or unconstitu-

Partial invalidity.

tional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Emergency.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety of and the support of the state government and its existing institutions, and shall take effect on the first day of April, 1949.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 17, 1949.

CHAPTER 180.

[H. B. 499.]

VETERANS' BONUS.

AN ACT providing for the payment of a bonus to veterans of World War II from the proceeds of a bond issue repayable from the excise taxes on cigarettes as herein provided for; making an appropriation and providing penalties.

Be it enacted by the Legislature of the State of Washington:

Qualifica-
tions for
recipient.

SECTION 1. There shall be paid to each person who was on active Federal service as a member of the armed military or naval forces of the United States between the 7th day of December, 1941, and the 2nd day of September, 1945, who at the time of his or her entry upon active Federal service and for a period of one (1) year prior thereto was a bona fide citizen or resident of the State of Washington, or who was a member of one of the regular military services on December 7, 1941, and on that date and for one year prior thereto was a bona fide citizen or resident of the State of Washington, for service between said dates, the sum of ten dollars (\$10) for each and every month or major fraction thereof of such duty performed within the continental limits of the United

Amount.